



State of Utah

Department of
Environmental Quality

Richard W. Sprott
Executive Director

DIVISION OF AIR QUALITY
Cheryl Heying
Director

JON M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor

DAQ-003-08

MEMORANDUM

TO: Air Quality Board

THROUGH: Cheryl Heying, Executive Secretary

FROM: Mat Carlile, Environmental Planning Consultant

DATE: February 6, 2008

SUBJECT: FINAL ADOPTION: Amend R307-101. General Requirements; R307-115. General Conformity; R307-170-7. Performance Specification Audits; R307-221. Emission Standards: Emission Controls for Existing Municipal Solid Waste Landfills; R307-222. Emission Standards: Existing Incinerators for Hospital, Medical, Infectious Waste; R307-223. Emission Standards: Existing Small Municipal Waste Combustion Units; R307-224. Mercury Emission Standards: Coal-Fired Electric Generating Units; R307-310. Salt Lake County: Trading of Emission Budgets for Transportation Conformity; R307-417. Permits: Acid Rain Sources; R307-801. Asbestos; and R307-840. Lead-Based Paint Accreditation, Certification and Work Practice Standards. Delete R307-215 Emission Standards: Acid Rain Requirements.

On November 1, 2007, the Air Quality Board proposed for comment amendments to several rules that incorporate by reference portions of Title 40 of the Code of Federal Regulations (CFR). The proposed rulemaking also created a new subsection, R307-101-3, Version of Code of Federal Regulations Incorporated by Reference, that contains the date of the version of 40 CFR incorporated throughout the rules of the Board. This will allow the Board to change the date in one rule instead of changing each rule individually, and will decrease the administrative rulemaking paperwork. These amendments updated the version of the CFR to July 1, 2007.

A public comment period was held from October 1, 2007 to October 31, 2007. No oral or written comments were received and a public hearing was not requested.

Staff Recommendation: Staff recommends that R307-101, R307-115, R307-170-7, R307-215, R307-221, R307-222, R307-223, R307-224, R307-310, R307-417, R307-801, and R307-840 be adopted as proposed.

Additionally, DAQ has completed a 5-year review for the following rules: R307-101, R307-115, R307-170, R307-221, R307-222, R307-223, R307-224, R307-310, R307-801, and R307-840, and as a separate action, staff recommends that the Board continue these rules by approving the attached forms to be filed with the Division of Administrative Rules.

representative or designee shall notify the individual in writing, or by another accessible format suitable to the individual, why the decision is being delayed and what additional time is needed to reach a decision.

R251-112-6. Appeals.

(1) The individual may appeal the decision of the ADA Coordinator or designee or the DHRM representative or designee by filing an appeal within ten working days from the receipt of the decision.

(2) The appeal shall be filed in writing or another accessible format suitable to the individual with the Executive Director of the Department. The Executive Director may name a designee other than the ADA Coordinator to assist on the appeal.

(3) The appeal shall describe in sufficient detail why the ADA Coordinator's decision does not meet the individual's needs without undue hardship to the Department, is incomplete or ambiguous, is not supported by the evidence, or is otherwise improper.

(4) The Executive Director or designee shall review the decision and the appeal. The Executive Director may direct additional investigation as necessary before arriving at an independent conclusion.

(5) The Executive Director or designee may consult with the State ADA Coordinating Committee prior to making any decision that would involve:

(a) an expenditure of funds which is not absorbable and would require appropriation authority;

(b) facility modifications; or

(c) reclassification or reallocation in grade;

(6) The decision shall be issued within ten working days after receiving the appeal and shall be in writing or in another accessible format suitable to the individual.

(7) If the Executive Director or designee is unable to reach a decision within the ten working day period, the Executive Director shall notify the individual in writing or by another accessible format suitable to the individual why the decision is being delayed and the additional time needed to reach a decision.

R251-112-7. Classification of Records.

The record of each complaint and appeal, and all written records produced or received as part of such actions, shall be classified as protected as defined under Section 63-2-304, until the Executive Director, ADA Coordinator, DHRM representative, or their designees issue the decision at which time any portions of the record which may pertain to the individual's medical condition shall remain classified as private as defined under Section 63-2-302, or controlled as defined in Section 63-2-303. All other information gathered as part of the complaint record shall be classified as private information. ~~Only the written decision of the Executive Director, ADA Coordinator, HRM representative, or their designees shall be classified as public information.~~

KEY: complaint procedures, disabled persons

Date of Enactment or Last Substantive Amendment: ~~December 2, 2002~~ **2008**

Notice of Continuation: December 23, 2002

Authorizing, and Implemented or Interpreted Law: 67-19-32; 34A-5-101 to 34A-5-108; 63-46a-3(2)

Environmental Quality, Air Quality R307-101 General Requirements

NOTICE OF PROPOSED RULE (Amendment)

DAR File No.: 30697

FILED: 11/08/2007, 15:28

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the change is to update the incorporation by reference of 40 Code of Federal Regulation (CFR) Part 51.100(s)(1), in Section R307-101-2 to the most recent version of the CFR, and to update the definition of Acute Hazardous Air Pollutant, Carcinogenic Hazardous Air Pollutant, and Chronic Hazardous Air Pollutant to reference the 2007 version of the American Conference of Governmental Industrial Hygienists "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices." The Utah Air Quality Board is also proposing to add a new Subsection R307-101-3 that will contain the date of the version of the CFR that is incorporated throughout Title R307. This amendment is part of an overall revision to rules related to updating the incorporation by reference throughout Title R307 (see separate filings on Rules R307-115, R307-170, R307-215, R307-221, R307-222, R307-223, R307-224, R307-310, R307-417, R307-801, and R307-840 in this issue). If requested, a public hearing will be held Wednesday, 12/19/2007 at 2:00 p.m. in the Main Conference Room of the Environmental Quality Building located at 150 N 1950 W in Salt Lake City. If no request for a public hearing is received by 12/17/2007, the hearing will be canceled. After 12/17/2007, you may go to <http://www.airquality.utah.gov/Public-Interest/Public-Comment-Hearings/Pubrule.htm> or call 801-536-4136 to determine if the public hearing has been canceled. A request for a public hearing may be submitted by electronic mail to mcarlile@utah.gov or by calling 801-536-4136. (DAR NOTE: The proposed amendment for Rule R307-115 is under DAR No. 30698; the proposed amendment for Section R307-170-7 is under DAR No. 30699; the proposed repeal of Rule R307-215 is under DAR No. 30700; the proposed amendment for Rule R307-221 is under DAR No. 30701; the proposed amendment for Rule R307-222 is under DAR No. 30702; the proposed amendment for Rule R307-223 is under DAR No. 30703; the proposed amendment for Section R307-224-2 is under DAR No. 30704; the proposed amendment for Section R307-310-2 is under DAR No. 30705; the proposed amendment for Rule R307-417 is under DAR No. 30706; the proposed amendment for Rule R307-801 is under DAR No. 30707; and the proposed amendment for Rule R307-840 is under DAR No. 30708 all in this issue, December 1, 2007, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: EPA revised the definition of "volatile organic compound" (VOC) to include the exemption of 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane. EPA has determined to exclude HFE-7300 from the definition of VOC on the basis that this

compound makes a negligible contribution to tropospheric ozone formation (see 72 FR 2193, January 18, 2007). The Utah Air Quality Board is also proposing to create a new Section R307-101-3 that will contain the date of the version of 40 CFR incorporated throughout the rules of the Board. This will allow the Board to change the date in one rule instead of changing each rule individually, and will decrease the administrative rulemaking paperwork. There may be cases where an earlier version of 40 CFR is appropriate, and in those cases, the rule will identify a specific version of 40 CFR rather than referring to the version referenced in Section R307-101-3. Individual rules will still identify the specific sections of 40 CFR that are included or excluded, and Section R307-101-3 will be used solely to identify the most recent version of 40 CFR referenced in Title R307. Finally, the Utah Air Quality Board is proposing to update the definition of Acute Hazardous Air Pollutant, Carcinogenic Hazardous Air Pollutant, and Chronic Hazardous Air Pollutant to reference the 2007 version of the American Conference of Governmental Industrial Hygienists "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices".

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-104

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR 51.100(s)(1), July 1, 2007

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: Because these revisions do not create new requirements, no change in costs is expected for the state budget.
- ❖ LOCAL GOVERNMENTS: Because this revision does not create new requirements, no change in costs is expected for local governments.
- ❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: SMALL BUSINESSES: Because this revision does not create new requirements, no change in costs is expected for small businesses. OTHER PERSONS: Because this revision does not create new requirements, no change in costs is expected for other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because this revision does not create new requirements, no change in costs is expected for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This amendment does not create new requirements. Therefore, no additional costs are expected. Richard W. Sprott, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Mat E. Carlile at the above address, by phone at 801-536-4136, by FAX at 801-536-0085, or by Internet E-mail at MCARLILE@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/31/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2008

AUTHORIZED BY: Bryce Bird, Planning Branch Manager

R307. Environmental Quality, Air Quality.

R307-101. General Requirements.

R307-101-2. Definitions.

Except where specified in individual rules, definitions in R307-101-2 are applicable to all rules adopted by the Air Quality Board.

"Actual Emissions" means the actual rate of emissions of a pollutant from an emissions unit determined as follows:

(1) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operations. The Executive Secretary shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(2) The Executive Secretary may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

(3) For any emission unit, other than an electric utility steam generating unit specified in (4), which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

(4) For an electric utility steam generating unit (other than a new unit or the replacement of an existing unit) actual emissions of the unit following the physical or operational change shall equal the representative actual annual emissions of the unit, provided the source owner or operator maintains and submits to the executive secretary, on an annual basis for a period of 5 years from the date the unit resumes regular operation, information demonstrating that the physical or operational change did not result in an emissions increase. A longer period, not to exceed 10 years, may be required by the executive secretary if the executive secretary determines such a period to be more representative of normal source post-change operations.

"Acute Hazardous Air Pollutant" means any noncarcinogenic hazardous air pollutant for which a threshold limit value - ceiling (TLV-C) has been adopted by the American Conference of Governmental Industrial Hygienists (ACGIH) in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, [pages 15-72 (2000)](2007)."

"Air Contaminant" means any particulate matter or any gas, vapor, suspended solid or any combination of them, excluding steam and water vapors (Section 19-2-102(1)).

"Air Contaminant Source" means any and all sources of emission of air contaminants whether privately or publicly owned or operated (Section 19-2-102(2)).

"Air Pollution" means the presence in the ambient air of one or more air contaminants in such quantities and duration and under conditions and circumstances, as is or tends to be injurious to human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life or use of property as determined by the standards, rules and regulations adopted by the Air Quality Board (Section 19-2-104).

"Allowable Emissions" means the emission rate of a source calculated using the maximum rated capacity of the source (unless the source is subject to enforceable limits which restrict the operating rate, or hours of operation, or both) and the emission limitation established pursuant to R307-401-8.

"Ambient Air" means the surrounding or outside air (Section 19-2-102(4)).

"Appropriate Authority" means the governing body of any city, town or county.

"Atmosphere" means the air that envelops or surrounds the earth and includes all space outside of buildings, stacks or exterior ducts.

"Authorized Local Authority" means a city, county, city-county or district health department; a city, county or combination fire department; or other local agency duly designated by appropriate authority, with approval of the state Department of Health; and other lawfully adopted ordinances, codes or regulations not in conflict therewith.

"Board" means Air Quality Board. See Section 19-2-102(6)(a).

"Breakdown" means any malfunction or procedural error, to include but not limited to any malfunction or procedural error during start-up and shutdown, which will result in the inoperability or sudden loss of performance of the control equipment or process equipment causing emissions in excess of those allowed by approval order or Title R307.

"BTU" means British Thermal Unit, the quantity of heat necessary to raise the temperature of one pound of water one degree Fahrenheit.

"Calibration Drift" means the change in the instrument meter readout over a stated period of time of normal continuous operation when the VOC concentration at the time of measurement is the same known upscale value.

"Carbon Adsorption System" means a device containing adsorbent material (e.g., activated carbon, aluminum, silica gel), an inlet and outlet for exhaust gases, and a system for the proper disposal or reuse of all VOC adsorbed.

"Carcinogenic Hazardous Air Pollutant" means any hazardous air pollutant that is classified as a known human carcinogen (A1) or suspected human carcinogen (A2) by the American Conference of Governmental Industrial Hygienists (ACGIH) in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, [pages 15-72 (2000)](2007)."

"Chargeable Pollutant" means any regulated air pollutant except the following:

- (1) Carbon monoxide;
- (2) Any pollutant that is a regulated air pollutant solely because it is a Class I or II substance subject to a standard promulgated or established by Title VI of the Act, Stratospheric Ozone Protection;
- (3) Any pollutant that is a regulated air pollutant solely because it is subject to a standard or regulation under Section 112(r) of the Act, Prevention of Accidental Releases.

"Chronic Hazardous Air Pollutant" means any noncarcinogenic hazardous air pollutant for which a threshold limit value - time weighted average (TLV-TWA) having no threshold limit value - ceiling (TLV-C) has been adopted by the American Conference of Governmental Industrial Hygienists (ACGIH) in its "Threshold Limit

Values for Chemical Substances and Physical Agents and Biological Exposure Indices, [pages 15-72 (2000)](2007)."

"Clean Air Act" means federal Clean Air Act as amended in 1990.

"Clean Coal Technology" means any technology, including technologies applied at the precombustion, combustion, or post combustion stage, at a new or existing facility which will achieve significant reductions in air emissions of sulfur dioxide or oxides of nitrogen associated with the utilization of coal in the generation of electricity, or process steam which was not in widespread use as of November 15, 1990.

"Clean Coal Technology Demonstration Project" means a project using funds appropriated under the heading "Department of Energy-Clean Coal Technology," up to a total amount of \$2,500,000,000 for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the Environmental Protection Agency. The Federal contribution for a qualifying project shall be at least 20 percent of the total cost of the demonstration project.

"Clearing Index" means an indicator of the predicted rate of clearance of ground level pollutants from a given area. This number is provided by the National Weather Service.

"Commence" as applied to construction of a major source or major modification means that the owner or operator has all necessary pre-construction approvals or permits and either has:

- (1) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or
- (2) Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

"Compliance Schedule" means a schedule of events, by date, which will result in compliance with these regulations.

"Construction" means any physical change or change in the method of operation including fabrication, erection, installation, demolition, or modification of a source which would result in a change in actual emissions.

"Control Apparatus" means any device which prevents or controls the emission of any air contaminant directly or indirectly into the outdoor atmosphere.

"Department" means Utah State Department of Environmental Quality. See Section 19-1-103(1).

"Electric Utility Steam Generating Unit" means any steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than 25 MW electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.

"Emission" means the act of discharge into the atmosphere of an air contaminant or an effluent which contains or may contain an air contaminant; or the effluent so discharged into the atmosphere.

"Emissions Information" means, with reference to any source operation, equipment or control apparatus:

- (1) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics related to air quality of any air contaminant which has been emitted by the source operation, equipment, or control apparatus;
- (2) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any air contaminant which, under an applicable

standard or limitation, the source operation was authorized to emit (including, to the extent necessary for such purposes, a description of the manner or rate of operation of the source operation), or any combination of the foregoing; and

(3) A general description of the location and/or nature of the source operation to the extent necessary to identify the source operation and to distinguish it from other source operations (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source operation).

"Emission Limitation" means a requirement established by the Board or the Administrator, EPA, which limits the quantity, rate or concentration of emission of air pollutants on a continuous emission reduction including any requirement relating to the operation or maintenance of a source to assure continuous emission reduction (Section 302(k)).

"Emissions Unit" means any part of a stationary source which emits or would have the potential to emit any pollutant subject to regulation under the Clean Air Act.

"Enforceable" means all limitations and conditions which are enforceable by the Administrator, including those requirements developed pursuant to 40 CFR Parts 60 and 61, requirements within the State Implementation Plan and R307, any permit requirements established pursuant to 40 CFR 52.21 or R307-401.

"EPA" means Environmental Protection Agency.

"EPA Method 9" means 40 CFR Part 60, Appendix A, Method 9, "Visual Determination of Opacity of Emissions from Stationary Sources," and Alternate 1, "Determination of the opacity of emissions from stationary sources remotely by LIDAR."

"Executive Director" means the Executive Director of the Utah Department of Environmental Quality. See Section 19-1-103(2).

"Executive Secretary" means the Executive Secretary of the Board.

"Existing Installation" means an installation, construction of which began prior to the effective date of any regulation having application to it.

"Facility" means machinery, equipment, structures of any part or accessories thereof, installed or acquired for the primary purpose of controlling or disposing of air pollution. It does not include an air conditioner, fan or other similar device for the comfort of personnel.

"Fireplace" means all devices both masonry or factory built units (free standing fireplaces) with a hearth, fire chamber or similarly prepared device connected to a chimney which provides the operator with little control of combustion air, leaving its fire chamber fully or at least partially open to the room. Fireplaces include those devices with circulating systems, heat exchangers, or draft reducing doors with a net thermal efficiency of no greater than twenty percent and are used for aesthetic purposes.

"Fugitive Dust" means particulate, composed of soil and/or industrial particulates such as ash, coal, minerals, etc., which becomes airborne because of wind or mechanical disturbance of surfaces. Natural sources of dust and fugitive emissions are not fugitive dust within the meaning of this definition.

"Fugitive Emissions" means emissions from an installation or facility which are neither passed through an air cleaning device nor vented through a stack or could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

"Garbage" means all putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food, including wastes attendant thereto.

"Gasoline" means any petroleum distillate, used as a fuel for internal combustion engines, having a Reid vapor pressure of 4 pounds or greater.

"Hazardous Air Pollutant (HAP)" means any pollutant listed by the EPA as a hazardous air pollutant in conformance with Section 112(b) of the Clean Air Act. A list of these pollutants is available at the Division of Air Quality.

"Household Waste" means any solid or liquid material normally generated by the family in a residence in the course of ordinary day-to-day living, including but not limited to garbage, paper products, rags, leaves and garden trash.

"Incinerator" means a combustion apparatus designed for high temperature operation in which solid, semisolid, liquid, or gaseous combustible wastes are ignited and burned efficiently and from which the solid and gaseous residues contain little or no combustible material.

"Installation" means a discrete process with identifiable emissions which may be part of a larger industrial plant. Pollution equipment shall not be considered a separate installation or installations.

"LPG" means liquified petroleum gas such as propane or butane.

"Maintenance Area" means an area that is subject to the provisions of a maintenance plan that is included in the Utah state implementation plan, and that has been redesignated by EPA from nonattainment to attainment of any National Ambient Air Quality Standard.

(a) The following areas are considered maintenance areas for ozone:

- (i) Salt Lake County, effective August 18, 1997; and
- (ii) Davis County, effective August 18, 1997.

(b) The following areas are considered maintenance areas for carbon monoxide:

- (i) Salt Lake City, effective March 22, 1999;
- (ii) Ogden City, effective May 8, 2001; and
- (iii) Provo City, effective January 3, 2006.

(c) The following areas are considered maintenance areas for PM10:

- (i) Salt Lake County, effective on the date that EPA approves the maintenance plan that was adopted by the Board on July 6, 2005; and
- (ii) Utah County, effective on the date that EPA approves the maintenance plan that was adopted by the Board on July 6, 2005; and
- (iii) Ogden City, effective on the date that EPA approves the maintenance plan that was adopted by the Board on July 6, 2005.

(d) The following area is considered a maintenance area for sulfur dioxide: all of Salt Lake County and the eastern portion of Tooele County above 5600 feet, effective on the date that EPA approves the maintenance plan that was adopted by the Board on January 5, 2005.

"Major Modification" means any physical change in or change in the method of operation of a major source that would result in a significant net emissions increase of any pollutant. A net emissions increase that is significant for volatile organic compounds shall be considered significant for ozone. Within Salt Lake and Davis Counties or any nonattainment area for ozone, a net emissions increase that is significant for nitrogen oxides shall be considered significant for ozone. Within areas of nonattainment for PM10, a significant net emission increase for any PM10 precursor is also a significant net emission increase for PM10. A physical change or change in the method of operation shall not include:

- (1) routine maintenance, repair and replacement;
- (2) use of an alternative fuel or raw material by reason of an order under section 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

(3) use of an alternative fuel by reason of an order or rule under section 125 of the federal Clean Air Act;

(4) use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

(5) use of an alternative fuel or raw material by a source:

(a) which the source was capable of accommodating before January 6, 1975, unless such change would be prohibited under any enforceable permit condition; or

(b) which the source is otherwise approved to use;

(6) an increase in the hours of operation or in the production rate unless such change would be prohibited under any enforceable permit condition;

(7) any change in ownership at a source

(8) the addition, replacement or use of a pollution control project at an existing electric utility steam generating unit, unless the executive secretary determines that such addition, replacement, or use renders the unit less environmentally beneficial, or except:

(a) when the executive secretary has reason to believe that the pollution control project would result in a significant net increase in representative actual annual emissions of any criteria pollutant over levels used for that source in the most recent air quality impact analysis in the area conducted for the purpose of Title I of the Clean Air Act, if any, and

(b) the executive secretary determines that the increase will cause or contribute to a violation of any national ambient air quality standard or PSD increment, or visibility limitation.

(9) the installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with:

(a) the Utah State Implementation Plan; and

(b) other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.

"Major Source" means, to the extent provided by the federal Clean Air Act as applicable to R307:

(1) any stationary source of air pollutants which emits, or has the potential to emit, one hundred tons per year or more of any pollutant subject to regulation under the Clean Air Act; or

(a) any source located in a nonattainment area for carbon monoxide which emits, or has the potential to emit, carbon monoxide in the amounts outlined in Section 187 of the federal Clean Air Act with respect to the severity of the nonattainment area as outlined in Section 187 of the federal Clean Air Act; or

(b) any source located in Salt Lake or Davis Counties or in a nonattainment area for ozone which emits, or has the potential to emit, VOC or nitrogen oxides in the amounts outlined in Section 182 of the federal Clean Air Act with respect to the severity of the nonattainment area as outlined in Section 182 of the federal Clean Air Act; or

(c) any source located in a nonattainment area for PM10 which emits, or has the potential to emit, PM10 or any PM10 precursor in the amounts outlined in Section 189 of the federal Clean Air Act with respect to the severity of the nonattainment area as outlined in Section 189 of the federal Clean Air Act.

(2) any physical change that would occur at a source not qualifying under subpart 1 as a major source, if the change would constitute a major source by itself;

(3) the fugitive emissions and fugitive dust of a stationary source shall not be included in determining for any of the purposes of these R307 rules whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:

(a) Coal cleaning plants (with thermal dryers);

(b) Kraft pulp mills;

(c) Portland cement plants;

(d) Primary zinc smelters;

(e) Iron and steel mills;

(f) Primary aluminum or reduction plants;

(g) Primary copper smelters;

(h) Municipal incinerators capable of charging more than 250 tons of refuse per day;

(i) Hydrofluoric, sulfuric, or nitric acid plants;

(j) Petroleum refineries;

(k) Lime plants;

(l) Phosphate rock processing plants;

(m) Coke oven batteries;

(n) Sulfur recovery plants;

(o) Carbon black plants (furnace process);

(p) Primary lead smelters;

(q) Fuel conversion plants;

(r) Sintering plants;

(s) Secondary metal production plants;

(t) Chemical process plants;

(u) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British Thermal Units per hour heat input;

(v) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

(w) Taconite ore processing plants;

(x) Glass fiber processing plants;

(y) Charcoal production plants;

(z) Fossil fuel-fired steam electric plants of more than 250 million British Thermal Units per hour heat input;

(aa) Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the federal Clean Air Act.

"Modification" means any planned change in a source which results in a potential increase of emission.

"National Ambient Air Quality Standards (NAAQS)" means the allowable concentrations of air pollutants in the ambient air specified by the Federal Government (Title 40, Code of Federal Regulations, Part 50).

"Net Emissions Increase" means the amount by which the sum of the following exceeds zero:

(1) any increase in actual emissions from a particular physical change or change in method of operation at a source; and

(2) any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable. For purposes of determining a "net emissions increase":

(a) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between the date five years before construction on the particular change commences; and the date that the increase from the particular change occurs.

(b) An increase or decrease in actual emissions is creditable only if it has not been relied on in issuing a prior approval for the source which approval is in effect when the increase in actual emissions for the particular change occurs.

(c) An increase or decrease in actual emission of sulfur dioxide, nitrogen oxides or particulate matter which occurs before an applicable minor source baseline date is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available. With respect to particulate matter, only PM10 emissions will be used to evaluate this increase or decrease.

(d) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(e) A decrease in actual emissions is creditable only to the extent that:

(i) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(ii) It is enforceable at and after the time that actual construction on the particular change begins; and

(iii) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

(iv) It has not been relied on in issuing any permit under R307-401 nor has it been relied on in demonstrating attainment or reasonable further progress.

(f) An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

"New Installation" means an installation, construction of which began after the effective date of any regulation having application to it.

"Nonattainment Area" means an area designated by the Environmental Protection Agency as nonattainment under Section 107, Clean Air Act for any National Ambient Air Quality Standard. The designations for Utah are listed in 40 CFR 81.345.

"Offset" means an amount of emission reduction, by a source, greater than the emission limitation imposed on such source by these regulations and/or the State Implementation Plan.

"Opacity" means the capacity to obstruct the transmission of light, expressed as percent.

"Open Burning" means any burning of combustible materials resulting in emission of products of combustion into ambient air without passage through a chimney or stack.

"Owner or Operator" means any person who owns, leases, controls, operates or supervises a facility, an emission source, or air pollution control equipment.

"PSD" Area means an area designated as attainment or unclassifiable under section 107(d)(1)(D) or (E) of the federal Clean Air Act.

"PM10" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by an EPA reference or equivalent method.

"PM10 Precursor" means any chemical compound or substance which, after it has been emitted into the atmosphere, undergoes chemical or physical changes that convert it into particulate matter, specifically PM10.

"Part 70 Source" means any source subject to the permitting requirements of R307-415.

"Person" means an individual, trust, firm, estate, company, corporation, partnership, association, state, state or federal agency or entity, municipality, commission, or political subdivision of a state. (Subsection 19-2-103(4)).

"Pollution Control Project" means any activity or project at an existing electric utility steam generating unit for purposes of reducing emissions from such unit. Such activities or projects are limited to:

(1) The installation of conventional or innovative pollution control technology, including but not limited to advanced flue gas desulfurization, sorbent injection for sulfur dioxide and nitrogen oxides controls and electrostatic precipitators;

(2) An activity or project to accommodate switching to a fuel which is less polluting than the fuel used prior to the activity or project, including, but not limited to natural gas or coal reburning, or the cofiring of natural gas and other fuels for the purpose of controlling emissions;

(3) A permanent clean coal technology demonstration project conducted under Title II, sec. 101(d) of the Further Continuing Appropriations Act of 1985 (sec. 5903(d) of title 42 of the United States Code), or subsequent appropriations, up to a total amount of \$2,500,000,000 for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the Environmental Protection Agency; or

(4) A permanent clean coal technology demonstration project that constitutes a repowering project.

"Potential to Emit" means the maximum capacity of a source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed shall be treated as part of its design if the limitation or the effect it would have on emissions is enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

"Process Level" means the operation of a source, specific to the kind or type of fuel, input material, or mode of operation.

"Process Rate" means the quantity per unit of time of any raw material or process intermediate consumed, or product generated, through the use of any equipment, source operation, or control apparatus. For a stationary internal combustion unit or any other fuel burning equipment, this term may be expressed as the quantity of fuel burned per unit of time.

"Reactivation of a Very Clean Coal-Fired Electric Utility Steam Generating Unit" means any physical change or change in the method of operation associated with the commencement of commercial operations by a coal-fired utility unit after a period of discontinued operation where the unit:

(1) Has not been in operation for the two-year period prior to the enactment of the Clean Air Act Amendments of 1990, and the emissions from such unit continue to be carried in the emission inventory at the time of enactment;

(2) Was equipped prior to shutdown with a continuous system of emissions control that achieves a removal efficiency for sulfur dioxide of no less than 85 percent and a removal efficiency for particulates of no less than 98 percent;

(3) Is equipped with low-NOx burners prior to the time of commencement of operations following reactivation; and

(4) Is otherwise in compliance with the requirements of the Clean Air Act.

"Reasonable Further Progress" means annual incremental reductions in emission of an air pollutant which are sufficient to provide for attainment of the NAAQS by the date identified in the State Implementation Plan.

"Refuse" means solid wastes, such as garbage and trash.

"Regulated air pollutant" means any of the following:

(a) Nitrogen oxides or any volatile organic compound;

(b) Any pollutant for which a national ambient air quality standard has been promulgated;

(c) Any pollutant that is subject to any standard promulgated under Section 111 of the Act, Standards of Performance for New Stationary Sources;

(d) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Act, Stratospheric Ozone Protection;

(e) Any pollutant subject to a standard promulgated under Section 112, Hazardous Air Pollutants, or other requirements established under Section 112 of the Act, including Sections 112(g), (j), and (r) of the Act, including any of the following:

(i) Any pollutant subject to requirements under Section 112(j) of the Act, Equivalent Emission Limitation by Permit. If the Administrator fails to promulgate a standard by the date established pursuant to Section 112(e) of the Act, any pollutant for which a subject source would be major shall be considered to be regulated on the date 18 months after the applicable date established pursuant to Section 112(e) of the Act;

(ii) Any pollutant for which the requirements of Section 112(g)(2) of the Act (Construction, Reconstruction and Modification) have been met, but only with respect to the individual source subject to Section 112(g)(2) requirement.

"Repowering" means replacement of an existing coal-fired boiler with one of the following clean coal technologies: atmospheric or pressurized fluidized bed combustion, integrated gasification combined cycle, magnetohydrodynamics, direct and indirect coal-fired turbines, integrated gasification fuel cells, or as determined by the Administrator, in consultation with the Secretary of Energy, a derivative of one or more of these technologies, and any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in widespread commercial use as of November 15, 1990.

(1) Repowering shall also include any oil and/or gas-fired unit which has been awarded clean coal technology demonstration funding as of January 1, 1991, by the Department of Energy.

(2) The executive secretary shall give expedited consideration to permit applications for any source that satisfies the requirements of this definition and is granted an extension under section 409 of the Clean Air Act.

"Representative Actual Annual Emissions" means the average rate, in tons per year, at which the source is projected to emit a pollutant for the two-year period after a physical change or change in the method of operation of unit, (or a different consecutive two-year period within 10 years after that change, where the executive secretary determines that such period is more representative of source operations), considering the effect any such change will have on increasing or decreasing the hourly emissions rate and on projected capacity utilization. In projecting future emissions the executive secretary shall:

(1) Consider all relevant information, including but not limited to, historical operational data, the company's own representations, filings with the State of Federal regulatory authorities, and compliance plans under title IV of the Clean Air Act; and

(2) Exclude, in calculating any increase in emissions that results from the particular physical change or change in the method of operation at an electric utility steam generating unit, that portion of the unit's emissions following the change that could have been accommodated during the representative baseline period and is attributable to an increase in projected capacity utilization at the unit that is unrelated to the particular change, including any increased utilization due to the rate of electricity demand growth for the utility system as a whole.

"Residence" means a dwelling in which people live, including all ancillary buildings.

"Residential Solid Fuel Burning" device means any residential burning device except a fireplace connected to a chimney that burns solid fuel and is capable of, and intended for use as a space heater, domestic water heater, or indoor cooking appliance, and has an air-to-fuel ratio less than 35-to-1 as determined by the test procedures prescribed in 40 CFR 60.534. It must also have a useable firebox volume of less than 6.10 cubic meters or 20 cubic feet, a minimum burn rate less than 5 kilograms per hour or 11 pounds per hour as determined by test procedures prescribed in 40 CFR 60.534, and weigh less than 800 kilograms or 362.9 pounds. Appliances that are described as prefabricated fireplaces and are designed to accommodate doors or other accessories that would create the air starved operating conditions of a residential solid fuel burning device shall be considered as such. Fireplaces are not included in this definition for solid fuel burning devices.

"Road" means any public or private road.

"Salvage Operation" means any business, trade or industry engaged in whole or in part in salvaging or reclaiming any product or material, including but not limited to metals, chemicals, shipping containers or drums.

"Secondary Emissions" means emissions which would occur as a result of the construction or operation of a major source or major modification, but do not come from the major source or major modification itself.

Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the source or modification which causes the secondary emissions. Secondary emissions include emissions from any off-site support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the major source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

Fugitive emissions and fugitive dust from the source or modification are not considered secondary emissions.

"Significant" means:

(1) In reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

Carbon monoxide: 100 ton per year (tpy);
Nitrogen oxides: 40 tpy;
Sulfur dioxide: 40 tpy;
PM10: 15 tpy;
Particulate matter: 25 tpy;
Ozone: 40 tpy of volatile organic compounds;
Lead: 0.6 tpy.

"Solid Fuel" means wood, coal, and other similar organic material or combination of these materials.

"Solvent" means organic materials which are liquid at standard conditions (Standard Temperature and Pressure) and which are used as dissolvers, viscosity reducers, or cleaning agents.

"Source" means any structure, building, facility, or installation which emits or may emit any air pollutant subject to regulation under the Clean Air Act and which is located on one or more continuous or adjacent properties and which is under the control of the same person or persons under common control. A building, structure, facility, or installation means all of the pollutant-emitting activities which belong to the same industrial grouping. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the

same "Major Group" (i.e. which have the same two-digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (US Government Printing Office stock numbers 4101-0065 and 003-005-00176-0, respectively).

"Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct but not including flares.

"Standards of Performance for New Stationary Sources" means the Federally established requirements for performance and record keeping (Title 40 Code of Federal Regulations, Part 60).

"State" means Utah State.

"Temporary" means not more than 180 calendar days.

"Temporary Clean Coal Technology Demonstration Project" means a clean coal technology demonstration project that is operated for a period of 5 years or less, and which complies with the Utah State Implementation Plan and other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.

"Threshold Limit Value - Ceiling (TLV-C)" means the airborne concentration of a substance which may not be exceeded, as adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, pages 15 - 72 (2000)."

"Threshold Limit Value - Time Weighted Average (TLV-TWA)" means the time-weighted airborne concentration of a substance adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, pages 15 - 72 (2000)."

"Total Suspended Particulate (TSP)" means minute separate particles of matter, collected by high volume sampler.

"Toxic Screening Level" means an ambient concentration of an air contaminant equal to a threshold limit value - ceiling (TLV-C) or threshold limit value - time weighted average (TLV-TWA) divided by a safety factor.

"Trash" means solids not considered to be highly flammable or explosive including, but not limited to clothing, rags, leather, plastic, rubber, floor coverings, excelsior, tree leaves, yard trimmings and other similar materials.

"Volatile Organic Compound (VOC)" means VOC as defined in 40 CFR 51.100(s)(1), [as effective on July 1, 2004, and amended on November 29, 2004, by 69 FR 69290 and 69 FR 69298] effective as of the date referenced in R307-101-3, is hereby adopted and incorporated by reference.

"Waste" means all solid, liquid or gaseous material, including, but not limited to, garbage, trash, household refuse, construction or demolition debris, or other refuse including that resulting from the prosecution of any business, trade or industry.

"Zero Drift" means the change in the instrument meter readout over a stated period of time of normal continuous operation when the VOC concentration at the time of measurement is zero.

R307-101-3. Version of Code of Federal Regulations Incorporated by Reference.

Except as specifically identified in an individual rule, the version of the Code of Federal Regulations (CFR) incorporated throughout R307 is dated July 1, 2007.

KEY: air pollution, definitions

Date of Enactment or Last Substantive Amendment: [March 9, 2007] 2008

Notice of Continuation: March 15, 2007

Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)

Environmental Quality, Air Quality R307-115 General Conformity

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 30698

FILED: 11/08/2007, 15:28

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the change is to remove the specific version date for the Code of Federal Regulations (CFR) found in Rule R307-115. The rule will now default to Section R307-101-3 that establishes the version of the CFR that is incorporated throughout Title R307. In a separate rulemaking, the version of the CFR reference in Section R307-101-3 is being updated to the July 1, 2007, version. This amendment is part of an overall revision to rules that will streamline the process of updating the incorporation by reference of the CFR throughout Title R307 (see separate filings on Rules R307-101, R307-170, R307-215, R307-221, R307-222, R307-223, R307-224, R307-310, R307-417, R307-801, and R307-840 in this issue). If requested, a public hearing will be held Wednesday, 12/19/2007 at 2:00 p.m. in the Main Conference Room of the Environmental Quality Building located at 150 N 1950 W in Salt Lake City. If no request for a public hearing is received by 12/17/2007, the hearing will be canceled. After 12/17/2007, you may go to <http://www.airquality.utah.gov/Public-Interest/Public-Comment-Hearings/Rule.htm> or call 801-536-4136 to determine if the public hearing has been canceled. A request for a public hearing may be submitted by electronic mail to mcafile@utah.gov or by calling 801-536-4136. (DAR NOTE: The proposed amendment for Rule R307-101 is DAR No. 30697; the proposed amendment for Section R307-170-7 is under DAR No. 30699; the proposed repeal of Rule R307-215 is under DAR No. 30700; the proposed amendment for Rule R307-221 is under DAR No. 30701; the proposed amendment for Rule R307-222 is under DAR No. 30702; the proposed amendment for Rule R307-223 is under DAR No. 30703; the proposed amendment for Section R307-224-2 is under DAR No. 30704; the proposed amendment for Section R307-310-2 is under DAR No. 30705; the proposed amendment for Rule R307-417 is under DAR No. 30706; the proposed amendment for Rule R307-801 is under DAR No. 30707; and the proposed amendment for Rule R307-840 is under DAR No. 30708 all in this issue, December 1, 2007, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: The General Conformity program in 40 CFR Part 93, Subpart B is incorporated by reference into Rule R307-115. The intent of the general conformity requirement is to prevent the air quality impacts of federal actions from causing or contributing to a violation of

same "Major Group" (i.e. which have the same two-digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (US Government Printing Office stock numbers 4101-0065 and 003-005-00176-0, respectively).

"Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct but not including flares.

"Standards of Performance for New Stationary Sources" means the Federally established requirements for performance and record keeping (Title 40 Code of Federal Regulations, Part 60).

"State" means Utah State.

"Temporary" means not more than 180 calendar days.

"Temporary Clean Coal Technology Demonstration Project" means a clean coal technology demonstration project that is operated for a period of 5 years or less, and which complies with the Utah State Implementation Plan and other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.

"Threshold Limit Value - Ceiling (TLV-C)" means the airborne concentration of a substance which may not be exceeded, as adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, pages 15 - 72 (2000)."

"Threshold Limit Value - Time Weighted Average (TLV-TWA)" means the time-weighted airborne concentration of a substance adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, pages 15 - 72 (2000)."

"Total Suspended Particulate (TSP)" means minute separate particles of matter, collected by high volume sampler.

"Toxic Screening Level" means an ambient concentration of an air contaminant equal to a threshold limit value - ceiling (TLV-C) or threshold limit value-time weighted average (TLV-TWA) divided by a safety factor.

"Trash" means solids not considered to be highly flammable or explosive including, but not limited to clothing, rags, leather, plastic, rubber, floor coverings, excelsior, tree leaves, yard trimmings and other similar materials.

"Volatile Organic Compound (VOC)" means VOC as defined in 40 CFR 51.100(s)(1), [as effective on July 1, 2004, and amended on November 29, 2004, by 69 FR 69290 and 69 FR 69298] effective as of the date referenced in R307-101-3, is hereby adopted and incorporated by reference.

"Waste" means all solid, liquid or gaseous material, including, but not limited to, garbage, trash, household refuse, construction or demolition debris, or other refuse including that resulting from the prosecution of any business, trade or industry.

"Zero Drift" means the change in the instrument meter readout over a stated period of time of normal continuous operation when the VOC concentration at the time of measurement is zero.

R307-101-3. Version of Code of Federal Regulations Incorporated by Reference.

Except as specifically identified in an individual rule, the version of the Code of Federal Regulations (CFR) incorporated throughout R307 is dated July 1, 2007.

KEY: air pollution, definitions

Date of Enactment or Last Substantive Amendment: [March 9, 2007] 2008

Notice of Continuation: March 15, 2007

Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)

Environmental Quality, Air Quality R307-115 General Conformity

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 30698

FILED: 11/08/2007, 15:28

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the change is to remove the specific version date for the Code of Federal Regulations (CFR) found in Rule R307-115. The rule will now default to Section R307-101-3 that establishes the version of the CFR that is incorporated throughout Title R307. In a separate rulemaking, the version of the CFR reference in Section R307-101-3 is being updated to the July 1, 2007, version. This amendment is part of an overall revision to rules that will streamline the process of updating the incorporation by reference of the CFR throughout Title R307 (see separate filings on Rules R307-101, R307-170, R307-215, R307-221, R307-222, R307-223, R307-224, R307-310, R307-417, R307-801, and R307-840 in this issue). If requested, a public hearing will be held Wednesday, 12/19/2007 at 2:00 p.m. in the Main Conference Room of the Environmental Quality Building located at 150 N 1950 W in Salt Lake City. If no request for a public hearing is received by 12/17/2007, the hearing will be canceled. After 12/17/2007, you may go to <http://www.airquality.utah.gov/Public-Interest/Public-Comment-Hearings/Rule.htm> or call 801-536-4136 to determine if the public hearing has been canceled. A request for a public hearing may be submitted by electronic mail to mcarlile@utah.gov or by calling 801-536-4136. (DAR NOTE: The proposed amendment for Rule R307-101 is DAR No. 30697; the proposed amendment for Section R307-170-7 is under DAR No. 30699; the proposed repeal of Rule R307-215 is under DAR No. 30700; the proposed amendment for Rule R307-221 is under DAR No. 30701; the proposed amendment for Rule R307-222 is under DAR No. 30702; the proposed amendment for Rule R307-223 is under DAR No. 30703; the proposed amendment for Section R307-224-2 is under DAR No. 30704; the proposed amendment for Section R307-310-2 is under DAR No. 30705; the proposed amendment for Rule R307-417 is under DAR No. 30706; the proposed amendment for Rule R307-801 is under DAR No. 30707; and the proposed amendment for Rule R307-840 is under DAR No. 30708 all in this issue, December 1, 2007, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: The General Conformity program in 40 CFR Part 93, Subpart B is incorporated by reference into Rule R307-115. The intent of the general conformity requirement is to prevent the air quality impacts of federal actions from causing or contributing to a violation of

the National Ambient Air Quality Standards (NAAQS) or interfering with the purpose of a State Implementation Plan (SIP). This amendment removes the specific version date for the CFR in Rule R307-115. The rule will now default to Section R307-101-3 that establishes the version of the CFR that is incorporated throughout Title R307. In a separate rulemaking, the version of the CFR reference in Section R307-101-3 is being updated to the July 1, 2007, version. The following change to 40 CFR Part 93 will be included as the result of the change in Section R307-101-3. The EPA added de minimis emission levels for PM_{2.5} to the general conformity requirements (see 71 FR 40427 July 17, 2006).

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-104

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR Part 93, Subpart B, July 1, 2007

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: No costs or savings are expected because the cost of Air Quality's reviews are covered by fees paid by applicants.
- ❖ LOCAL GOVERNMENTS: No adverse economic impact is expected to occur as a result of updating the incorporation by reference of the CFR because these provisions are already federally enforceable.
- ❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: SMALL BUSINESSES: No adverse economic impact is expected to occur as a result of updating the incorporation by reference of the CFR because these provisions are already federally enforceable. OTHER PERSONS: No adverse economic impact is expected to occur as a result of updating the incorporation by reference of the CFR, because these provisions are already federally enforceable.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No adverse economic impact is expected to occur as a result of updating the incorporation by reference of the CFR because these provisions are already federally enforceable.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No adverse economic impact is expected to occur as a result of updating the incorporation by reference of the Code of Federal Regulations, because these provisions are already federally enforceable. Richard W. Sprott, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Mat E. Carlile at the above address, by phone at 801-536-4136, by FAX at 801-536-0085, or by Internet E-mail at MCARLILE@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/31/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2008

AUTHORIZED BY: Bryce Bird, Planning Branch Manager

R307. Environmental Quality, Air Quality.

R307-115. General Conformity.

R307-115-1. Determining Conformity.

The provisions of 40 CFR Part 93, Subpart B, Determining Conformity of General Federal Actions to State or Federal Implementation Plans, [published at 58 FR 63214 on November 30, 1993, and effective on January 31, 1994] effective as of the date referenced in R307-101-3, are hereby incorporated by reference into these rules.

KEY: environmental protection, air pollution, general conformity[*]

Date of Enactment or Last Substantive Amendment: [September 15, 1998] 2008

Notice of Continuation: July 7, 2005

Authorizing, and Implemented or Interpreted Law: 19-2-104

Environmental Quality, Air Quality **R307-170-7** Performance Specification Audits

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 30699

FILED: 11/08/2007, 15:28

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the change is to remove the specific version date for the Code of Federal Regulations (CFR) found in Section R307-170-7. The rule will now default to Section R307-101-3 that establishes the version of the CFR that is incorporated throughout Title R307. In a separate rulemaking, the version of the CFR reference in Section R307-101-3 is being updated to the July 1, 2007 version. This amendment is part of an overall revision to that will streamline the process of updating the incorporation by reference of the CFR throughout Title R307 (see separate filings on Rules R307-101, R307-115, R307-215, R307-221, R307-222, R307-223, R307-224, R307-310, R307-417, R307-801, and R307-840 in this issue). If requested, a public hearing will be held Wednesday, 12/19/2007 at 2:00 p.m. in the Main Conference Room of the Environmental Quality Building located at 150 N 1950 W in Salt Lake City. If no request for a public hearing is received by 12/17/2007, the hearing will be canceled. After 12/17/2007, you may go to <http://www.airquality.utah.gov/Public-Interest/Public-Comment-Hearings/Pubrule.htm> or call 801-

the National Ambient Air Quality Standards (NAAQS) or interfering with the purpose of a State Implementation Plan (SIP). This amendment removes the specific version date for the CFR in Rule R307-115. The rule will now default to Section R307-101-3 that establishes the version of the CFR that is incorporated throughout Title R307. In a separate rulemaking, the version of the CFR reference in Section R307-101-3 is being updated to the July 1, 2007, version. The following change to 40 CFR Part 93 will be included as the result of the change in Section R307-101-3. The EPA added de minimis emission levels for PM_{2.5} to the general conformity requirements (see 71 FR 40427 July 17, 2006).

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-104

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR Part 93, Subpart B, July 1, 2007

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** No costs or savings are expected because the cost of Air Quality's reviews are covered by fees paid by applicants.

❖ **LOCAL GOVERNMENTS:** No adverse economic impact is expected to occur as a result of updating the incorporation by reference of the CFR because these provisions are already federally enforceable.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** **SMALL BUSINESSES:** No adverse economic impact is expected to occur as a result of updating the incorporation by reference of the CFR because these provisions are already federally enforceable. **OTHER PERSONS:** No adverse economic impact is expected to occur as a result of updating the incorporation by reference of the CFR, because these provisions are already federally enforceable.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No adverse economic impact is expected to occur as a result of updating the incorporation by reference of the CFR because these provisions are already federally enforceable.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No adverse economic impact is expected to occur as a result of updating the incorporation by reference of the Code of Federal Regulations, because these provisions are already federally enforceable. Richard W. Spratt, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Mat E. Carlile at the above address, by phone at 801-536-4136, by FAX at 801-536-0085, or by Internet E-mail at MCARLILE@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/31/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2008

AUTHORIZED BY: Bryce Bird, Planning Branch Manager

R307. Environmental Quality, Air Quality.

R307-115. General Conformity.

R307-115-1. Determining Conformity.

The provisions of 40 CFR Part 93, Subpart B, Determining Conformity of General Federal Actions to State or Federal Implementation Plans, [published at 58 FR 63214 on November 30, 1993, and effective on January 31, 1994] effective as of the date referenced in R307-101-3, are hereby incorporated by reference into these rules.

KEY: environmental protection, air pollution, general conformity[*]

Date of Enactment or Last Substantive Amendment: [September 15, 1998] 2008

Notice of Continuation: July 7, 2005

Authorizing, and Implemented or Interpreted Law: 19-2-104

Environmental Quality, Air Quality R307-170-7 Performance Specification Audits

NOTICE OF PROPOSED RULE

(Amendment)

DAR File No.: 30699

FILED: 11/08/2007, 15:28

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the change is to remove the specific version date for the Code of Federal Regulations (CFR) found in Section R307-170-7. The rule will now default to Section R307-101-3 that establishes the version of the CFR that is incorporated throughout Title R307. In a separate rulemaking, the version of the CFR reference in Section R307-101-3 is being updated to the July 1, 2007 version. This amendment is part of an overall revision to that will streamline the process of updating the incorporation by reference of the CFR throughout Title R307 (see separate filings on Rules R307-101, R307-115, R307-215, R307-221, R307-222, R307-223, R307-224, R307-310, R307-417, R307-801, and R307-840 in this issue). If requested, a public hearing will be held Wednesday, 12/19/2007 at 2:00 p.m. in the Main Conference Room of the Environmental Quality Building located at 150 N 1950 W in Salt Lake City. If no request for a public hearing is received by 12/17/2007, the hearing will be canceled. After 12/17/2007, you may go to <http://www.airquality.utah.gov/Public-Interest/Public-Comment-Hearings/Rule.htm> or call 801-

536-4136 to determine if the public hearing has been canceled. A request for a public hearing may be submitted by electronic mail to mcarlile@utah.gov or by calling 801-536-4136. (DAR NOTE: The proposed amendment for Rule R307-101 is DAR No. 30697; the proposed amendment for Rule R307-115 is under DAR No. 30698; the proposed repeal of Rule R307-215 is under DAR No. 30700; the proposed amendment for Rule R307-221 is under DAR No. 30701; the proposed amendment for Rule R307-222 is under DAR No. 30702; the proposed amendment for Rule R307-223 is under DAR No. 30703; the proposed amendment for Section R307-224-2 is under DAR No. 30704; the proposed amendment for Section R307-310-2 is under DAR No. 30705; the proposed amendment for Rule R307-417 is under DAR No. 30706; the proposed amendment for Rule R307-801 is under DAR No. 30707; and the proposed amendment for Rule R307-840 is under DAR No. 30708 all in this issue, December 1, 2007, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: This amendment removes the specific version date for the CFR in R307-170-7. The rule will now default to R307-101-3 that establishes the version of the CFR that is incorporated throughout R307. In a separate rulemaking, the version of the CFR reference in R307-101-3 is being updated to the July 1, 2007 version.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-101, Subsections 19-2-104(1)(c) and 19-2-115(3)(b), and 40 CFR 60, July 1, 2007

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** Because these revisions do not create new requirements, no change in costs is expected for the state budget.
- ❖ **LOCAL GOVERNMENTS:** Because these revisions do not create new requirements, no change in costs is expected for local governments.
- ❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** Because these revisions do not create new requirements, no change in costs is expected for other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This amendment does not change current requirements; therefore, no change in costs is expected.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This amendment does not create new requirements. Therefore, no additional costs are expected. Richard W. Sprott, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Mat E. Carlile at the above address, by phone at 801-536-4136, by FAX at 801-536-0085, or by Internet E-mail at MCARLILE@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM ON 12/31/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2008

AUTHORIZED BY: Bryce Bird, Planning Branch Manager

R307. Environmental Quality, Air Quality.

R307-170. Continuous Emission Monitoring Program.

R307-170-7. Performance Specification Audits.

(1) Quarterly Audits.

Unless otherwise stipulated for sources subject to the Acid Rain Provisions of the Clean Air Act in 40 CFR Part 75 CEM, Appendix A, Section 6.2, ~~[as in effect on July 1, 2005]~~ effective as of the date referenced in R307-101-3, each continuous emissions monitoring system shall be audited at least once each calendar quarter. Successive quarterly audits shall be conducted at least two months apart. A relative accuracy test audit shall be conducted at least once every four calendar quarters as described in the applicable performance specification of 40 CFR 60, Appendix B.

(a) Relative accuracy shall be determined in units of the applicable emission limit.

(b) An alternative relative accuracy test (cylinder gas audit or relative accuracy audit) may be conducted in three of the four calendar quarters in place of conducting a relative accuracy test audit, but in no more than three quarters in succession.

(c) Each range of a dual range monitor shall be audited using an alternative relative accuracy audit procedure.

(d) Minor deviations from the reference method test must be submitted to the executive secretary for approval.

(e) Performance specification tests and audits shall be conducted so that the entire continuous monitoring system is concurrently tested.

(2) Notification.

The source shall notify the executive secretary of its intention to conduct a relative accuracy test audit by submitting a pretest protocol or by scheduling a pretest conference if directed to do so by the executive secretary. Each source shall notify the executive secretary no less than 45 days prior to testing.

(3) Audit Procedure.

A source may stop a relative accuracy test audit before the commencement of the fourth run to perform repairs or adjustments on the continuous emissions monitoring system. If the audit is stopped to make repairs or adjustments, the audit must be started again from the beginning. If the fourth test run is started, testing shall be conducted until the completion of the ninth acceptable test run or the source may declare the monitor out-of-control and stop the test. If the system does not meet its applicable relative accuracy performance specification outlined in 40 CFR 60, Appendix B, its data may not be used in determining emissions rates until the system is successfully recertified.

(4) Performance Specification Tests.

(a) Except as listed in (b) below, all reference method testing equipment shall be totally independent of the continuous emissions monitoring system equipment undergoing a performance specification test.

(b) Reference method tests conducted on fuel gas lines, vapor recovery units, or other equipment as approved by the executive secretary may use a common probe, when the reference method sample line ties into the continuous emission monitor's probe or sample line as close to the probe inlet as possible.

(5) Submittal of Audit Results.

The source shall submit all relative accuracy performance specification test reports to the executive secretary no later than 60 days after completion of the test.

(a) Test reports shall include all raw reference method calibration data, raw reference method emission data with date and time stamps, and raw source continuous monitoring data with date and time stamps. All data shall be reported in concentration and units of the applicable emission limit.

(b) Relative accuracy performance specification test or audit reports shall include the company name, plant manager's name, mailing address, phone number, environmental contact's name, the monitor manufacturer, the model and serial number, the monitor range, and its location.

(6) Daily Drift Test.

Each source operating a continuous monitoring system shall conduct a daily zero and span calibration drift test as required in 40 CFR 60.13(d). The zero and span drifts shall be determined by using raw continuous monitoring system responses to a known value of the reference standard. Computer enhancements may be used to correct continuous monitoring system emission data that has been altered by monitor drift, but may not be used to determine daily zero and span drift.

(a) A monitor used for compliance that fails the daily calibration drift test as outlined in 40 CFR 60 Appendix F, Subpart 4, shall be declared out-of-control, and the out-of-control period shall be documented in the state electronic data report. The source shall make corrective adjustments to the system promptly. Continuous emission monitoring system data collected during the out-of-control period may not be used for monitor availability.

(b) Each source operating a continuous monitoring system that exceeds the calibration drift limit as outlined in 40 CFR 60 and the applicable performance specification shall make corrective adjustments promptly.

KEY: air pollution, monitoring, continuous monitoring

Date of Enactment or Last Substantive Amendment: ~~January 5, 2006~~ 2008

Notice of Continuation: November 3, 2005

Authorizing, and Implemented or Interpreted Law: 19-2-101; 19-2-104(1)(c); 19-2-115(3)(b); 40 CFR 60

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Environmental Quality, Air Quality
R307-215
Acid Rain Requirements

NOTICE OF PROPOSED RULE

(Repeal)

DAR File No.: 30700

FILED: 11/08/2007, 15:29

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the change is to move the incorporation by reference of 40 Code of Federal Regulations (CFR) Part 76 in Rule R307-215 to Rule R307-417, so that all rules that deal with the Acid Rain program are in one rule (see separate filing on Rule R307-417 in this issue). This amendment is part of an overall revision to rules that will streamline the process of updating the incorporation by reference of the CFR throughout Title R307 (see separate filings on Rules R307-101, R307-115, R307-170, R307-221, R307-222, R307-223, R307-224, R307-310, R307-417, R307-801, and R307-840 in this issue). If requested, a public hearing will be held Wednesday, 12/19/2007 at 2:00 p.m. in the Main Conference Room of the Environmental Quality Building located at 150 N 1950 W in Salt Lake City. If no request for a public hearing is received by 12/17/2007, the hearing will be canceled. After 12/17/2007, you may go to <http://www.airquality.utah.gov/Public-Interest/Public-Comment-Hearings/Rule.htm> or call 801-536-4136 to determine if the public hearing has been canceled. A request for a public hearing may be submitted by electronic mail to mcarrile@utah.gov or by calling 801-536-4136. (DAR NOTE: The proposed amendment for Rule R307-101 is DAR No. 30697; the proposed amendment for Rule R307-115 is under DAR No. 30698; the proposed amendment for Section R307-170-7 is under DAR No. 30699; the proposed amendment for Rule R307-221 is under DAR No. 30701; the proposed amendment for Rule R307-222 is under DAR No. 30702; the proposed amendment for Rule R307-223 is under DAR No. 30703; the proposed amendment for Section R307-224-2 is under DAR No. 30704; the proposed amendment for Section R307-310-2 is under DAR No. 30705; the proposed amendment for Rule R307-417 is under DAR No. 30706; the proposed amendment for Rule R307-801 is under DAR No. 30707; and the proposed amendment for Rule R307-840 is under DAR No. 30708 all in this issue, December 1, 2007, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: The Utah Air Quality Board is proposing to move the incorporation by reference of 40 CFR Part 76 in Rule R307-215 to Rule R307-417, so that all rules that deal with the Acid Rain program are in one rule. This rule is repealed in its entirety.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-104

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: No costs or savings are expected because the cost of Air Quality's reviews are covered by fees paid by applicants.

❖ LOCAL GOVERNMENTS: No adverse economic impact is expected to occur, because these provisions will be adopted under another rule.

(4) Performance Specification Tests.

(a) Except as listed in (b) below, all reference method testing equipment shall be totally independent of the continuous emissions monitoring system equipment undergoing a performance specification test.

(b) Reference method tests conducted on fuel gas lines, vapor recovery units, or other equipment as approved by the executive secretary may use a common probe, when the reference method sample line ties into the continuous emission monitor's probe or sample line as close to the probe inlet as possible.

(5) Submittal of Audit Results.

The source shall submit all relative accuracy performance specification test reports to the executive secretary no later than 60 days after completion of the test.

(a) Test reports shall include all raw reference method calibration data, raw reference method emission data with date and time stamps, and raw source continuous monitoring data with date and time stamps. All data shall be reported in concentration and units of the applicable emission limit.

(b) Relative accuracy performance specification test or audit reports shall include the company name, plant manager's name, mailing address, phone number, environmental contact's name, the monitor manufacturer, the model and serial number, the monitor range, and its location.

(6) Daily Drift Test.

Each source operating a continuous monitoring system shall conduct a daily zero and span calibration drift test as required in 40 CFR 60.13(d). The zero and span drifts shall be determined by using raw continuous monitoring system responses to a known value of the reference standard. Computer enhancements may be used to correct continuous monitoring system emission data that has been altered by monitor drift, but may not be used to determine daily zero and span drift.

(a) A monitor used for compliance that fails the daily calibration drift test as outlined in 40 CFR 60 Appendix F, Subpart 4, shall be declared out-of-control, and the out-of-control period shall be documented in the state electronic data report. The source shall make corrective adjustments to the system promptly. Continuous emission monitoring system data collected during the out-of-control period may not be used for monitor availability.

(b) Each source operating a continuous monitoring system that exceeds the calibration drift limit as outlined in 40 CFR 60 and the applicable performance specification shall make corrective adjustments promptly.

KEY: air pollution, monitoring, continuous monitoring

Date of Enactment or Last Substantive Amendment: [January 5, 2006] 2008

Notice of Continuation: November 3, 2005

Authorizing, and Implemented or Interpreted Law: 19-2-101; 19-2-104(1)(c); 19-2-115(3)(b); 40 CFR 60

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Environmental Quality, Air Quality

R307-215

Acid Rain Requirements

NOTICE OF PROPOSED RULE

(Repeal)

DAR File No.: 30700

FILED: 11/08/2007, 15:29

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the change is to move the incorporation by reference of 40 Code of Federal Regulations (CFR) Part 76 in Rule R307-215 to Rule R307-417, so that all rules that deal with the Acid Rain program are in one rule (see separate filing on Rule R307-417 in this issue). This amendment is part of an overall revision to rules that will streamline the process of updating the incorporation by reference of the CFR throughout Title R307 (see separate filings on Rules R307-101, R307-115, R307-170, R307-221, R307-222, R307-223, R307-224, R307-310, R307-417, R307-801, and R307-840 in this issue). If requested, a public hearing will be held Wednesday, 12/19/2007 at 2:00 p.m. in the Main Conference Room of the Environmental Quality Building located at 150 N 1950 W in Salt Lake City. If no request for a public hearing is received by 12/17/2007, the hearing will be canceled. After 12/17/2007, you may go to <http://www.airquality.utah.gov/Public-Interest/Public-Comment-Hearings/Pubrule.htm> or call 801-536-4136 to determine if the public hearing has been canceled. A request for a public hearing may be submitted by electronic mail to mcarrile@utah.gov or by calling 801-536-4136. (DAR NOTE: The proposed amendment for Rule R307-101 is under DAR No. 30697; the proposed amendment for Rule R307-115 is under DAR No. 30698; the proposed amendment for Section R307-170-7 is under DAR No. 30699; the proposed amendment for Rule R307-221 is under DAR No. 30701; the proposed amendment for Rule R307-222 is under DAR No. 30702; the proposed amendment for Rule R307-223 is under DAR No. 30703; the proposed amendment for Section R307-224-2 is under DAR No. 30704; the proposed amendment for Section R307-310-2 is under DAR No. 30705; the proposed amendment for Rule R307-417 is under DAR No. 30706; the proposed amendment for Rule R307-801 is under DAR No. 30707; and the proposed amendment for Rule R307-840 is under DAR No. 30708 all in this issue, December 1, 2007, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: The Utah Air Quality Board is proposing to move the incorporation by reference of 40 CFR Part 76 in Rule R307-215 to Rule R307-417, so that all rules that deal with the Acid Rain program are in one rule. This rule is repealed in its entirety.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-104

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** No costs or savings are expected because the cost of Air Quality's reviews are covered by fees paid by applicants.

❖ **LOCAL GOVERNMENTS:** No adverse economic impact is expected to occur, because these provisions will be adopted under another rule.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** **SMALL BUSINESSES:** No adverse economic impact is expected to occur, because these provisions will be adopted under another rule. **OTHER PERSONS:** No adverse economic impact is expected to occur, because these provisions will be adopted under another rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No adverse economic impact is expected to occur, because these provisions will be adopted under another rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No adverse economic impact is expected to occur, because these provisions will be adopted under another rule. Richard W. Spratt, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Mat E. Carlile at the above address, by phone at 801-536-4136, by FAX at 801-536-0085, or by Internet E-mail at MCARLILE@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/31/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2008

AUTHORIZED BY: Bryce Bird, Planning Branch Manager

R307. Environmental Quality, Air Quality.

~~[R307-215. Emission Standards: Acid Rain Requirements.~~

~~R307-215-1. Part 76 Requirements.~~

~~The provisions of 40 CFR Part 76, as in effect on December 19, 1996, for purposes of implementing an acid rain program that meets the requirements of Title IV of the Clean Air Act, are incorporated into these rules by reference. The term "permitting authority" shall mean the executive secretary of the Air Quality Board, and the term "Administrator" shall mean the Administrator of the Environmental Protection Agency. If the provisions or requirements of 40 CFR Part 76 conflict with or are not included in R307-415, Operating Permit Requirements, provisions and requirements of 40 CFR Part 76 shall apply and take precedence.~~

KEY: ~~acid rain, air quality, permitting authority*, operating permits*~~

Date of Enactment or Last Substantive Amendment: ~~September 15, 1998~~

~~Notice of Continuation: June 8, 2004~~

~~Authorizing, and Implemented or Interpreted Law: 19-2-101, 19-2-104(3)(a)~~

Environmental Quality, Air Quality R307-221

Emission Standards: Emission Controls for Existing Municipal Solid Waste Landfills

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 30701

FILED: 11/08/2007, 15:29

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the change is to remove the specific version date for the Code of Federal Regulations (CFR) found in Rule R307-221. The rule will now default to Section R307-101-3 that establishes the version of the CFR that is incorporated throughout R307. In a separate rulemaking, the version of the CFR referenced in Section R307-101-3 is being updated to the July 1, 2007, version. This amendment is part of an overall revision to rules that will streamline the process of updating the incorporation by reference of the CFR throughout Title R307 (see separate filings on Rules R307-101, R307-115, R307-170, R307-215, R307-222, R307-223, R307-224, R307-310, R307-417, R307-801 and R307-840 in this issue). If requested, a public hearing will be held Wednesday, 12/19/2007 at 2:00 p.m. in the Main Conference Room of the Environmental Quality Building located at 150 N 1950 W in Salt Lake City. If no request for a public hearing is received by 12/17/2007, the hearing will be canceled. After 12/17/2007, you may go to <http://www.airquality.utah.gov/Public-Interest/Public-Comment-Hearings/Rule.htm> or call 801-536-4136 to determine if the public hearing has been canceled. A request for a public hearing may be submitted by electronic mail to mcarlile@utah.gov or by calling 801-536-4136. (DAR NOTE: The proposed amendment for Rule R307-101 is under DAR No. 30697; the proposed amendment for Rule R307-115 is under DAR No. 30698; the proposed amendment for Section R307-170-7 is under DAR No. 30699; the proposed repeal of Rule R307-215 is under DAR No. 30700; the proposed amendment for Rule R307-222 is under DAR No. 30702; the proposed amendment for Rule R307-223 is under DAR No. 30703; the proposed amendment for Section R307-224-2 is under DAR No. 30704; the proposed amendment for Section R307-310-2 is under DAR No. 30705; the proposed amendment for Rule R307-417 is under DAR No. 30706; the proposed amendment for Rule R307-801 is under DAR No. 30707; and the proposed amendment for Rule R307-840 is under DAR No. 30708 all in this issue, December 1, 2007, of the Bulletin.)

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** **SMALL BUSINESSES:** No adverse economic impact is expected to occur, because these provisions will be adopted under another rule. **OTHER PERSONS:** No adverse economic impact is expected to occur, because these provisions will be adopted under another rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No adverse economic impact is expected to occur, because these provisions will be adopted under another rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No adverse economic impact is expected to occur, because these provisions will be adopted under another rule. Richard W. Sprott, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Mat E. Carlile at the above address, by phone at 801-536-4136, by FAX at 801-536-0085, or by Internet E-mail at MCARLILE@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/31/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2008

AUTHORIZED BY: Bryce Bird, Planning Branch Manager

R307. Environmental Quality, Air Quality.

~~R307-215. Emission Standards: Acid Rain Requirements.~~ **~~R307-215.1. Part 76 Requirements.~~**

~~The provisions of 40 CFR Part 76, as in effect on December 19, 1996, for purposes of implementing an acid rain program that meets the requirements of Title IV of the Clean Air Act, are incorporated into these rules by reference. The term "permitting authority" shall mean the executive secretary of the Air Quality Board, and the term "Administrator" shall mean the Administrator of the Environmental Protection Agency. If the provisions or requirements of 40 CFR Part 76 conflict with or are not included in R307-415, Operating Permit Requirements, provisions and requirements of 40 CFR Part 76 shall apply and take precedence.~~

KEY: ~~acid rain, air quality, permitting authority², operating permits²~~

Date of Enactment or Last Substantive Amendment: ~~September 15, 1998~~

~~Notice of Continuation: June 8, 2004~~

~~Authorizing, and Implemented or Interpreted Law: 19-2-101; 19-2-104(3)(g)]~~

Environmental Quality, Air Quality R307-221

Emission Standards: Emission Controls for Existing Municipal Solid Waste Landfills

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 30701

FILED: 11/08/2007, 15:29

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the change is to remove the specific version date for the Code of Federal Regulations (CFR) found in Rule R307-221. The rule will now default to Section R307-101-3 that establishes the version of the CFR that is incorporated throughout R307. In a separate rulemaking, the version of the CFR referenced in Section R307-101-3 is being updated to the July 1, 2007, version. This amendment is part of an overall revision to rules that will streamline the process of updating the incorporation by reference of the CFR throughout Title R307 (see separate filings on Rules R307-101, R307-115, R307-170, R307-215, R307-222, R307-223, R307-224, R307-310, R307-417, R307-801, and R307-840 in this issue). If requested, a public hearing will be held Wednesday, 12/19/2007 at 2:00 p.m. in the Main Conference Room of the Environmental Quality Building located at 150 N 1950 W in Salt Lake City. If no request for a public hearing is received by 12/17/2007, the hearing will be canceled. After 12/17/2007, you may go to <http://www.airquality.utah.gov/Public-Interest/Public-Comment-Hearings/Pubrule.htm> or call 801-536-4136 to determine if the public hearing has been canceled. A request for a public hearing may be submitted by electronic mail to mcarylile@utah.gov or by calling 801-536-4136. (DAR NOTE: The proposed amendment for Rule R307-101 is DAR No. 30697; the proposed amendment for Rule R307-115 is under DAR No. 30698; the proposed amendment for Section R307-170-7 is under DAR No. 30699; the proposed repeal of Rule R307-215 is under DAR No. 30700; the proposed amendment for Rule R307-222 is under DAR No. 30702; the proposed amendment for Rule R307-223 is under DAR No. 30703; the proposed amendment for Section R307-224-2 is under DAR No. 30704; the proposed amendment for Section R307-310-2 is under DAR No. 30705; the proposed amendment for Rule R307-417 is under DAR No. 30706; the proposed amendment for Rule R307-801 is under DAR No. 30707; and the proposed amendment for Rule R307-840 is under DAR No. 30708 all in this issue, December 1, 2007, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: This amendment removes the specific version date for the CFR. The rule will now default to Section R307-101-3 that establishes the version of the CFR that is incorporated throughout Title R307. In a separate rulemaking, the version of the CFR referenced in Section R307-101-3 is being updated to the July 1, 2007, version. The following changes to 40 CFR Part 60.751, 40 CFR 60.752 through 60.759, including Appendix A, and 40 CFR Part 60.18 will be included as the result of the change in Section R307-101-3. 06/16/1998 (63 FR 32751) In this revision to the CFR, EPA made several changes throughout 40 CFR Part 60 to clarify the requirements of the designated facility plan for Municipal Solid Waste Landfills and did not change the overall approach of the program. The only substantive change was the addition of the methane generation rate constant (k) for geographical areas with low precipitation found in Section 60.754(a)(1); however, we had already included this in our plan. The following is a detailed summary of these changes: 1) **DEFINITIONS.** A definition of "modification" is being added. The definition of "design capacity" is being amended to clarify that the design capacity is determined by the most recent permit issued by the state, local, or tribal agency responsible for regulating the landfill plus any in-place waste not accounted for in that permit. The phrase "construction or operating permit" has also been deleted and substituted with the word "permit". The definition of "closed landfill" and wording in section 60.752(b) are being revised to delete references to section 258.60. This reference is not appropriate for all landfills because some landfills closed prior to the October 1993 effective date of part 258 and are not subject to part 258. Section 60.752(b)(2)(v)(A) is being revised for clarification to refer to the definition of "closed landfill" in section 60.751 instead of the requirements of section 258.60. The definition of "interior well" is being revised to clarify that an interior well is located inside the perimeter of the landfilled waste. The definition of "radii of influence" is being added parenthetically in section 60.759(a)(3)(ii) for clarification. This definition makes it clear that the radii of influence is the distance from the well center to a point in the landfill where the pressure gradient applied by the blower or compressor approaches zero; 2) **DESIGNATION OF AFFECTED FACILITY.** Section 60.750(a) of subpart WWW is being revised to clarify which landfills are subject to the new source performance standards (NSPS). The words "or began accepting waste" have been deleted. A definition for "modification" is being added to subpart WWW, and "reconstruction" is described in section 60.15 of the NSPS General Provisions. Section 60.750(b) of subpart WWW is being revised to clarify that authority for test methods are retained by the Administrator and shall not be transferred to the state. The wording "or" in several places in section 60.752 has been changed to "and" to clarify that if a landfill design capacity is less than either 2.5 million Mg or 2.5 million cubic meters, the landfill is exempt from all provisions except the design capacity report; whereas if the capacity is equal to or greater than 2.5 million Mg and 2.5 million cubic meters, the additional requirements of the rule apply; 3) **COMPLIANCE DATES.** The compliance time in section 60.752(b)(2)(ii) is being revised to make it clear that landfills have 30 months to install a collection and control system once the landfill becomes affected (i.e., the annual report shows nonmethane

organic compounds (NMOC) emissions equal to or greater than 50 Mg/yr). Section 60.755(b) is being revised to clarify that an affected landfill must install each well no later than 60 days after the date on which the initial solid waste has been in place (1) for five years or more if the area is active or (2) two years or more if the area is closed or at final grade. The only change is to specify "no later than 60 days after" instead of "within 60 days"; 4) **CLARIFICATION OF TITLE V PERMITTING REQUIREMENTS.** The paragraphs on part 70 permitting requirements are being revised to refer to both parts 70 and 71. Sentences have been added to section 60.752 and section 60.32c(c) to clarify the date the landfill becomes subject to title V. The permit provisions originally included as sentences within paragraphs (a) and (b) of section 60.752 have been moved to separate paragraphs (c) and (d) so that the detailed permit provisions are in one location. The wording has also been revised to clarify that landfills smaller than 2.5 million Mg or 2.5 million cubic meters do not require a part 70 or part 71 operating permit unless they are subject to part 70 or part 71 for some other reason. Section 60.752(d) (formerly the last sentence in section 60.752(b)) is being revised. The phrase "if the landfill is not otherwise subject to the requirements of either part 70 or 71" has been added. Subpart Cc is being amended by adding paragraphs (c) and (d) to section 60.32c. These paragraphs, which cover when existing Municipal Solid Waste (MSW) landfills require part 70 or 71 operating permits, were excluded from the promulgated emission guidelines through an oversight. Part 70 permit provisions were included in the NSPS, but the Emission Guidelines inadvertently did not reference this section of the NSPS; 5) **EQUATIONS.** Section 60.754(a)(1) is being revised to clarify that both the equation in section 60.754(a)(1)(i) and the equation in section 60.754(a)(1)(ii) may be used when the actual year-to-year solid waste acceptance rate is known for only part of the life of the landfill. This is the technically correct way to calculate emissions and was the intent of the rule. Section 60.754(a)(1) is being amended by the addition of the methane generation rate constant (k) for geographical areas with low precipitation. A k value of 0.02 per year is provided for the tier 1 calculation for landfills located in geographical areas with a 30-year annual average precipitation of less than 25 inches, as measured at the nearest representative official meteorologic site. Sections 60.754(a)(1)(i) and (ii) are also being revised to clarify that only documentation of the nature and amount of nondegradable waste needs to be maintained when subtracting the mass of nondegradable waste from the total mass of waste when calculating the NMOC emission rate. The previous language specified that the documentation provisions of section 60.758(d)(2) were to be followed; however, these provisions are related to segregated areas within the landfill excluded from collection pursuant to section 60.759(a)(3)(i) or (ii) because asbestos or other nondegradable wastes were disposed of in those areas or because the area is nonproductive. For the purposes of estimating emissions, only documentation of the nature and amount of nondegradable waste needs to be maintained to justify the subtraction of the mass of nondegradable waste; 6) **TEST METHODS AND PROCEDURES.** Section 60.754(a)(4)(ii) is revised to clarify that the site-specific methane generation rate constant is calculated only once and

that this value is to be used in all subsequent annual NMOC emission rate calculations. Section 60.752(b)(2)(iii)(B) is being revised to clarify that the initial performance test required under section 60.8 must be completed no later than 180 days after the initial startup of the approved control system. The promulgated regulation already required under section 60.757(f) that the initial performance test report must be submitted within 180 days of start-up of the collection system. This is being reiterated in section 60.752(b)(2)(iii)(B) for clarification. Section 60.759(a)(3)(ii), which required the use of the values of k and concentration of nonmethane organic compounds (CNMOC) determined by field testing, if performed to determine the NMOC emission rate or radii of influence, is being revised to also refer to alternative means for determining k or CNMOC allowed by section 60.754(a)(5).

The reference to using Lo values from testing is deleted because it was incorrect; 7) PREVENTION OF SIGNIFICANT DETERMINATION. Section 60.754(c) is being revised to clarify that the intent of this provision was to establish the method by which prevention of significant deterioration determinations should be made, not to require a prevention of significant deterioration determination; 8) MONITORING. Section 60.756(a) is being revised to clarify that a temperature measuring device does not need to be permanently installed at each wellhead. Section 60.756(b)(2) is also being revised to clarify that the device for monitoring gas flow need only record the flow or bypass, not necessarily measure the rate at which gas is flowing to the control device; 9) COMPLIANCE PROVISIONS. Section 60.755(a)(3) is being revised to allow an alternative time line to be proposed for correcting an exceedance in collection header pressure at each well. Consistent with section 60.755(c)(4)(v), a sentence is being added to sections 60.755(a)(3) and 60.755(a)(5) to allow an alternate time line to be proposed to the Administrator for correcting an exceedance. This revision makes the sections consistent. Section 60.755(c)(1) is being revised slightly to indicate that surface monitoring of methane shall be performed along the entire perimeter of the collection area and along a pattern that traverses the landfill at 30-meter intervals. This change makes the wording consistent with other sections of the rule (e.g., section 60.753(d)); 10) RECORDKEEPING AND REPORTING. Sections

60.757(a)(1) and (b)(1)(i) are being revised to clarify that subject landfills that commenced construction, modification, or reconstruction after 05/30/1991 (date of proposal) but before the date of promulgation had until 06/10/1996 (90 days from the promulgation date) to submit an initial design capacity report and an initial NMOC emission rate report to the Administrator. Also paragraphs (a)(1)(i) and (ii) in the promulgated rule were somewhat repetitive and contradictory. Paragraph (a)(1)(iii) reflected an unrealistic scenario in that this date would always occur later than the date in paragraphs (a)(1)(i) and (ii). For this reason, the previous paragraph (a)(1)(iii) was unnecessary and confusing. Therefore, that paragraph has been deleted, and paragraphs (a)(1)(i) and (ii) have been revised to state that the report is due on June 10, 1996 or within 90 days after the date of commencement of construction, modification, or reconstruction, depending on

when the construction, modification, or reconstruction commenced. The wording of section 60.757(a)(2)(ii) is being revised to require calculation of design capacity submitted as part of the design capacity report to include "relevant parameters" rather than the specific list of parameters in the promulgated rule. Some of the previously listed parameters (e.g., compaction practices) would not apply to landfills that calculate design capacity on a volumetric rather than mass basis. Other parameters that were not listed will be needed to perform the calculation in some cases. The wording of section 60.757(a)(3), which requires amended design capacity reports, is being revised for clarity and consistency with the definitions of modification and design capacity discussed under I.A. It also clarifies that a report is required only if capacity increases above 2.5 million Mg and 2.5 million cubic meters. Several paragraphs in section 60.758 are being revised to clarify that the recordkeeping requirements in paragraphs (b), (c), (d), and (e) do not apply if an alternative to the operational standards, test methods, procedures, compliance measures, monitoring, or reporting provisions has been submitted with the design plan and approved by the Administrator; 11) CROSS-REFERENCING AND TYPOGRAPHICAL ERRORS. Errors in cross-referencing one section to another within subpart WWW are being corrected. Typographical errors are also being corrected; and 12) CORRECTIONS TO PROMULGATION PREAMBLE. Tables 3 and 5 in the promulgation preamble contained typographical errors. The units for the small size cutoff (column 1) are stated to be in millions of megagrams (millions Mg); however, the values presented are actually in megagrams. 04/10/2000 (65 FR 18908) EPA corrected several typographical and formatting errors throughout Part 60. 754 through 759. 10/17/2000 (65 FR 61778) A revision was made to Section 6.6 of Method 21 of Part 60 to clarify the VOC monitoring instrument specifications. The requirement for the instrument to be intrinsically safe for Classes 1 and 2, Division 1 conditions has been amended to require it to be intrinsically safe for Class 1 and/or Class 2, Division 1 conditions, as appropriate. The performance test provisions of section 60.754(d) for determining control device efficiency when combusting landfill gas were amended to allow the use of Method 25 as an alternative to Methods 18 and 25C. The tester has the option of using either Method 18, 25, or 25C in this case. These amendments were not published in the proposed rule. 09/21/2006 (71 FR 55127) Municipal Solid Waste Landfills (Subpart WWW). In section 60.752(b)(2)(iii)(A) of the municipal solid waste landfill NSPS, open flares are required to comply with the general flare provisions of section 60.18. This amendment makes Method 3C the required test method for methane and removes the requirement to measure hydrogen by the American Society of Testing and Materials D1946.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-104

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR Part 60.751, 40 CFR 60.752 through 60.759, including Appendix A, and 40 CFR Part 60.18, July 1, 2007

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: Because these revisions do not create new requirements, no change in costs is expected for the state budget.
- ❖ LOCAL GOVERNMENTS: Because these revisions do not create new requirements, no change in costs is expected for local governments.
- ❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: SMALL BUSINESSES: Because these revisions do not create new requirements, no change in costs is expected for small businesses. OTHER PERSONS: Because these revisions do not create new requirements, no change in costs is expected for other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This amendment does not change current requirements; therefore, no change in costs is expected.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This amendment does not create new requirements. Therefore, no additional costs are expected. Richard W. Sprott, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Mat E. Carlile at the above address, by phone at 801-536-4136, by FAX at 801-536-0085, or by Internet E-mail at MCARLILE@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/31/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2008

AUTHORIZED BY: Bryce Bird, Planning Branch Manager

R307. Environmental Quality, Air Quality.**R307-221. Emission Standards: Emission Controls for Existing Municipal Solid Waste Landfills.****R307-221-2. Definitions and References.**

Definitions found in 40 CFR Part 60.751, ~~effective March 12, 1996~~ effective as of the date referenced in R307-101-3, are adopted and incorporated by reference, with the exclusion of the definitions of closed landfill, design capacity, and NMOC. The following additional definitions apply to R307-221:

"Closed Landfill" means a landfill in which solid waste is no longer being placed, and in which no additional solid wastes will be placed. A landfill is considered closed after meeting the criteria specified in Subsection R315-301-2~~(42)~~13.

"Design Capacity" means the maximum amount of solid waste a landfill can accept, as specified in an operating permit issued under R307-415 or a solid waste permit issued under Rule R315-310.

"Modification" means an increase in the landfill design capacity through a physical or operational change, as reported in the initial Design Capacity Report.

"NMOC" means nonmethane organic compounds.

R307-221-3. Emission Restrictions.

(1) The requirements found in 40 CFR 60.752 through 60.759, including Appendix A, ~~effective March 12, 1996~~ effective as of the date referenced in R307-101-3, are adopted and incorporated by reference, with the following exceptions and the substitutions listed in R307-221-3(2) through (5):

(a) Substitute "executive secretary" for all federal regulation references to "Administrator."

(b) Substitute "State of Utah" for all federal regulation references to "State, local or Tribal agency."

(c) Substitute "R307-221" for all references to "This subpart" or "this part."

(d) Substitute "40 CFR" for all references to "This title."

(e) Substitute "Title 19, Chapter 6" for all references to "RCRA" or the "Resource Conservation and Recovery Act," 42 U.S.C. 6921, et seq.

(f) Substitute "Rules R315-301 through 320" for all references to 40 CFR 258.

(2) Instead of 40 CFR 60.757(a)(1), substitute the following: The initial design capacity report must be submitted within 90 days after the date on which EPA approves the state plan incorporated by reference under R307-220-2.

(3) Instead of 40 CFR 60.757(a)(3), substitute the following: An amended design capacity report shall be submitted to the Executive Secretary providing notification of any increase in the design capacity of the landfill, whether the increase results from an increase in the permitted area or depth of the landfill, a change in the operating procedures, or any other means which results in an increase in the maximum design capacity of the landfill. The amended design capacity report shall be submitted within 90 days of the earliest of the following events:

(a) the issuance of an amended operating permit;

(b) submittal of application for a solid waste permit under R315-310; or

(c) the change in operating procedures which will result in an increase in design capacity.

(4) Instead of 40 CFR 60.757(b)(1)(i), substitute the following: The initial emission rate report for nonmethane organic compounds must be submitted within 90 days after EPA approval of the state plan incorporated by reference under R307-220-2.

(5) Instead of 40 CFR 60.752(b)(2)(ii)(B)(2), substitute the following: The liner shall be installed with liners on the bottom and all sides in all areas in which gas is to be collected, or as approved by the executive secretary. The liner shall meet the requirements of Subsection R315-303-~~43~~3.

R307-221-4. Control Device Specifications.

Control devices meeting the following requirements, shall be used to control collected municipal solid waste landfill emissions:

(1) an open flare designed and operated in accordance with the parameters established in Section 40 CFR Part 60.18, effective as of the date referenced in R307-101-3, which is adopted and incorporated by reference into this rule; or

(2) a control system designed and operated to reduce nonmethane organic compounds by 98 weight percent; or

(3) an enclosed combustor designed and operated to reduce the outlet nonmethane organic compounds concentration to 20 parts per million as hexane by volume, dry basis at 3 percent oxygen, or less.

KEY: air pollution, municipal landfills[*]

Date of Enactment or Last Substantive Amendment: [January 7, 1999]2008

Notice of Continuation: March 15, 2007

Authorizing, and Implemented or Interpreted Law: 19-2-104

Environmental Quality, Air Quality

R307-222

Emission Standards: Existing Incinerators for Hospital, Medical, Infectious Waste

NOTICE OF PROPOSED RULE

(Amendment)

DAR File No.: 30702

FILED: 11/08/2007, 15:30

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the change is to remove the specific version date for the Code of Federal Regulations (CFR) found in Rule R307-222. The rule will now default to Section R307-101-3 that establishes the version of the CFR that is incorporated throughout Title R307. In a separate rulemaking, the version of the CFR referenced in Section R307-101-3 is being updated to the July 1, 2007, version. This amendment is part of an overall revision to rules that will streamline the process of updating the incorporation by reference of the CFR throughout Title R307 (see separate filings on Rules R307-101, R307-115, R307-170, R307-215, R307-221, R307-223, R307-224, R307-310, R307-417, R307-801, R307-840 in this issue). If requested, a public hearing will be held Wednesday, 12/19/2007 at 2:00 p.m. in the Main Conference Room of the Environmental Quality Building located at 150 N 1950 W in Salt Lake City. If no request for a public hearing is received by 12/17/2007, the hearing will be canceled. After 12/17/2007, you may go to <http://www.airquality.utah.gov/Public-Interest/Public-Comment-Hearings/Pubrule.htm> or call 801-536-4136 to determine if the public hearing has been canceled. A request for a public hearing may be submitted by electronic mail to mcarlile@utah.gov or by calling 801-536-4136. (DAR NOTE: The proposed amendment for Rule R307-101 is DAR No. 30697; the proposed amendment for Rule R307-115 is under DAR No. 30698; the proposed amendment for Section R307-170-7 is under DAR No. 30699; the proposed repeal of Rule R307-215 is under DAR No. 30700; the proposed amendment for Rule R307-221 is under DAR No. 30701; the proposed amendment for Rule R307-223 is under DAR No. 30703; the proposed amendment for Section R307-224-2 is under DAR No. 30704; the proposed amendment for Section

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STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-104

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR 60.31e; 40 CFR 60.58c(c) through (f); emissions limitations of Table 1 in 40 CFR Part 60, Subpart Ce, 40 CFR 60.57c; 40 CFR 60.56c excluding 56c(b)(12) and 56c(c)(3); emission limits of Table 2 in 40 CFR Part 60, Subpart Ce; 40 CFR 60.36e(a)(1) and (a)(2); 40 CFR 60.37e(b)(1) through (b)(5); 40 CFR 60.37e(d)(1) through (d)(3); and 40 CFR 60.38e(b)(1) and (b)(2), July 1, 2007

ANTICIPATED COST OR SAVINGS TO:

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**ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W**

(2) a control system designed and operated to reduce nonmethane organic compounds by 98 weight percent; or

(3) an enclosed combustor designed and operated to reduce the outlet nonmethane organic compounds concentration to 20 parts per million as hexane by volume, dry basis at 3 percent oxygen, or less.

KEY: air pollution, municipal landfills[*]

Date of Enactment or Last Substantive Amendment: [January 7, 1999]2008

Notice of Continuation: March 15, 2007

Authorizing, and Implemented or Interpreted Law: 19-2-104

Environmental Quality, Air Quality

R307-222

Emission Standards: Existing Incinerators for Hospital, Medical, Infectious Waste

NOTICE OF PROPOSED RULE

(Amendment)

DAR File No.: 30702

FILED: 11/08/2007, 15:30

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AIR QUALITY
150 N 1950 W**

SALT LAKE CITY UT 84116-3085, or
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DIRECT QUESTIONS REGARDING THIS RULE TO:

Mat E. Carlile at the above address, by phone at 801-536-4136, by FAX at 801-536-0085, or by Internet E-mail at MCARLILE@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/31/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2008

AUTHORIZED BY: Bryce Bird, Planning Branch Manager

R307. Environmental Quality, Air Quality.

R307-222. Emission Standards: Existing Incinerators for Hospital, Medical, Infectious Waste.

R307-222-2. Definitions and References.

(1) The following definitions apply only to R307-222. Definitions found in 40 CFR 60.31e, [effective November 14, 1997] effective as of the date referenced in R307-101-3, and 40 CFR 60.51c, [effective March 16, 1998] effective as of the date referenced in R307-101-3, are adopted and incorporated by reference, with the following substitutions.

(a) Substitute "executive secretary" for all federal regulation references to "Administrator."

(b) Substitute "State of Utah" for all federal regulation references to "State agency" or "State regulatory agency."

(c) Substitute "Rule R307-222" for all references to "this subpart."

(d) Substitute "40 CFR Part 60" for all references to "this part."

(e) Substitute "40 CFR" for all references to "This title."

R307-222-3. All Incinerators.

[~~(4)~~] Each incinerator subject to R307-222 must comply with the requirements of 40 CFR 60.52c(b) for emission limits, 40 CFR 60.53c for operator training and qualification, 40 CFR 60.55c for a waste management plan, 40 CFR 60.58c(b) excluding (b)(2)(ii) and (b)(7) for recordkeeping, and 40 CFR 60.58c(c) through (f) for reporting. These provisions, effective as of the date referenced in R307-101-3, are adopted and incorporated by reference.

~~(2) Each incinerator subject to R307-222 must submit by February 1, 1999, an initial emissions inventory for inclusion in the Plan.~~

~~(3) Compliance dates.~~

~~(a) Except as provided in (b) and (e), each incinerator must be in compliance with all requirements of R307-222 on or before the date one year after federal approval of the State Plan.~~

~~(b) The owner or operator may petition the executive secretary to extend the compliance date as late as three years after EPA approval of the State Plan or September 15, 2002, whichever is earlier. The petition must meet the requirements set forth in (e) below.~~

~~(e) The petition must be submitted by January 2, 2000 and must include the following documentation:~~

~~(i) analysis supporting the need for an extension;~~

~~(ii) an evaluation of the option to transport waste offsite to a commercial medical waste treatment and disposal facility on a temporary or permanent basis;~~

~~(iii) measurable and enforceable incremental steps of progress to be taken towards compliance;~~

~~(iv) a compliance plan as set forth in (d) below.~~

~~(d) The compliance plan must include compliance dates for either:~~

~~(i) disposal of waste offsite or installation of equipment other than an incinerator to treat waste at the earliest possible date, or~~

~~(ii) each activity to retrofit the incinerator, including the following intermediate steps:~~

~~(A) The owner or operator must award the contract for retrofitting no later than March 1, 2000.~~

~~(B) The owner or operator must begin installation of air pollution control devices no later than June 1, 2000.~~

~~(C) The owner or operator must complete installation of the air pollution control devices no later than February 2, 2002.~~

~~(D) The owner or operator must conduct initial compliance testing of each air pollution control device by April 2, 2002.~~

~~(E) The owner or operator must complete all requirements to show compliance no later than three years following EPA approval of the Plan or September 15, 2002, whichever is earlier.~~

~~(e) If the petition is granted, the owner or operator must comply with the schedule in the compliance plan.]~~

R307-222-4. Large, Medium and Urban Small Incinerators.

Except as provided in Section R307-222-5, each incinerator must comply with the emissions limitations of Table 1 in 40 CFR Part 60, Subpart Ce, 40 CFR 60.57c, and 40 CFR 60.56c excluding 56c(b)(12) and 56c(c)(3), effective as of the date referenced in R307-101-3, which are adopted and incorporated by reference.

R307-222-5. Small Rural Incinerators.

(1) A small rural incinerator is a small incinerator as defined in Section R307-222-2 that:

(a) is located more than 50 miles from the boundary of the nearest Standard Metropolitan Statistical Area listed in OMB bulletin No. 93-17 entitled "Revised Statistical definitions for Metropolitan Areas," June 30, 1993; and

(b) burns less than 2000 pounds per week of hospital, medical or infectious waste or any combination of them. The 2000 pounds per week limitation does not apply during performance tests.

(2) Each small rural incinerator must comply with the emission limits of Table 2 in 40 CFR Part 60, Subpart Ce, effective as of the date referenced in R307-101-3, which are adopted and incorporated by reference.

(3) Each small incinerator must comply with the inspection requirements of 40 CFR 60.36e(a)(1) and (a)(2), effective as of the date referenced in R307-101-3, which are adopted and incorporated by reference. An inspection meeting these requirements must be conducted within one year after federal approval of the Plan incorporated by reference in R307-220-3, and annually no more than 12 months following the previous annual inspection.

(4) Each small incinerator must comply with the compliance and performance testing requirements of 40 CFR 60.37e(b)(1) through (b)(5), effective as of the date referenced in R307-101-3, which are adopted and incorporated by reference.

(5) Each small incinerator must comply with the monitoring requirements of 40 CFR 60.37e(d)(1) through (d)(3), effective as of the

date referenced in R307-101-3, which are adopted and incorporated by reference.

(6) Each small incinerator must comply with the recordkeeping and reporting requirements of 40 CFR 60.38e(b)(1) and (b)(2), effective as of the date referenced in R307-101-3, which are adopted and incorporated by reference.

KEY: air pollution, hospitals, medical incinerator[*], infectious waste[*]

Date of Enactment or Last Substantive Amendment: ~~November 25, 1998~~ 2008

Notice of Continuation: March 15, 2007

Authorizing, and Implemented or Interpreted Law: 19-2-104

Environmental Quality, Air Quality R307-223

Existing Incinerators for Hospital, Medical, Infectious Waste

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 30703

FILED: 11/08/2007, 15:30

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the change is to remove the specific version date for the Code of Federal Regulations (CFR) found in Rule R307-223. The rule will now default to Section R307-101-3 that establishes the version of the CFR that is incorporated throughout Title R307. In a separate rulemaking, the version of the CFR referenced in Section R307-101-3 is being updated to the July 1, 2007, version. This amendment is part of an overall revision to rules that will streamline the process of updating the incorporation by reference of the CFR throughout Title R307 (see separate filings on Rules R307-101, R307-115, R307-170, R307-215, R307-221, R307-222, R307-224, R307-310, R307-417, R307-801, and R307-840 in this issue). If requested, a public hearing will be held Wednesday, 12/19/2007 at 2:00 p.m. in the Main Conference Room of the Environmental Quality Building located at 150 N 1950 W in Salt Lake City. If no request for a public hearing is received by 12/17/2007, the hearing will be canceled. After 12/17/2007, you may go to <http://www.airquality.utah.gov/Public-Interest/Public-Comment-Hearings/Rule.htm> or call 801-536-4136 to determine if the public hearing has been canceled. A request for a public hearing may be submitted by electronic mail to mcarrile@utah.gov or by calling 801-536-4136. (DAR NOTE: The proposed amendment for Rule R307-101 is DAR No. 30697; the proposed amendment for Rule R307-115 is under DAR No. 30698; the proposed amendment for Section R307-170-7 is under DAR No. 30699; the proposed repeal of Rule R307-215 is under DAR No. 30700; the proposed amendment for Rule R307-221 is under DAR No. 30701; the proposed amendment for Rule R307-222

is under DAR No. 30702; the proposed amendment for Section R307-224-2 is under DAR No. 30704; the proposed amendment for Section R307-310-2 is under DAR No. 30705; the proposed amendment for Rule R307-417 is under DAR No. 30706; the proposed amendment for Rule R307-801 is under DAR No. 30707; and the proposed amendment for Rule R307-840 is under DAR No. 30708; all in this issue, December 1, 2007, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: This amendment removes the specific version date for the CFR in Rule R307-223. The rule will now default to Section R307-101-3 that establishes the version of the CFR that is incorporated throughout Title R307. In a separate rulemaking, the version of the CFR reference in Section R307-101-3 is being updated to the July 1, 2007, version. There have been no changes to the incorporated since they were incorporated by reference into Rule R307-223.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-104

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR 60.1555(a) through (k); 40 CFR 60.1940; 40 CFR 60.1935; 40 CFR 60.1540 and 60.1585 through 60.1905, and the requirements and schedules set forth in Tables 2 through 8 that are found following 40 CFR 60.1940, July 1, 2007

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** Because these revisions do not create new requirements, no change in costs is expected for the state budget.
- ❖ **LOCAL GOVERNMENTS:** Because this revision does not create new requirements, no change in costs is expected for local governments.
- ❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** **SMALL BUSINESSES:** Because this revision does not create new requirements, no change in costs is expected for small businesses. **OTHER PERSONS:** Because this revision does not create new requirements, no change in costs is expected for other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because this revision does not create new requirements, no change in costs is expected for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This amendment does not create new requirements. Therefore, no additional costs are expected. Richard W. Sprott, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

date referenced in R307-101-3, which are adopted and incorporated by reference.

(6) Each small incinerator must comply with the recordkeeping and reporting requirements of 40 CFR 60.38e(b)(1) and (b)(2), effective as of the date referenced in R307-101-3, which are adopted and incorporated by reference.

KEY: air pollution, hospitals, medical incinerator[*], infectious waste[*]

Date of Enactment or Last Substantive Amendment: ~~November 25, 1998~~ 2006

Notice of Continuation: March 15, 2007

Authorizing, and Implemented or Interpreted Law: 19-2-104

Environmental Quality, Air Quality R307-223 Existing Incinerators for Hospital, Medical, Infectious Waste

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 30703

FILED: 11/08/2007, 15:30

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the change is to remove the specific version date for the Code of Federal Regulations (CFR) found in Rule R307-223. The rule will now default to Section R307-101-3 that establishes the version of the CFR that is incorporated throughout Title R307. In a separate rulemaking, the version of the CFR referenced in Section R307-101-3 is being updated to the July 1, 2007, version. This amendment is part of an overall revision to rules that will streamline the process of updating the incorporation by reference of the CFR throughout Title R307 (see separate filings on Rules R307-101, R307-115, R307-170, R307-215, R307-221, R307-222, R307-224, R307-310, R307-417, R307-801, and R307-840 in this issue). If requested, a public hearing will be held Wednesday, 12/19/2007 at 2:00 p.m. in the Main Conference Room of the Environmental Quality Building located at 150 N 1950 W in Salt Lake City. If no request for a public hearing is received by 12/17/2007, the hearing will be canceled. After 12/17/2007, you may go to <http://www.airquality.utah.gov/Public-Interest/Public-Commen-Hearings/Pubrule.htm> or call 801-536-4136 to determine if the public hearing has been canceled. A request for a public hearing may be submitted by electronic mail to mcarlile@utah.gov or by calling 801-536-4136. (DAR NOTE: The proposed amendment for Rule R307-101 is DAR No. 30697; the proposed amendment for Rule R307-115 is under DAR No. 30698; the proposed amendment for Section R307-170-7 is under DAR No. 30699; the proposed repeal of Rule R307-215 is under DAR No. 30700; the proposed amendment for Rule R307-221 is under DAR No. 30701; the proposed amendment for Rule R307-222

is under DAR No. 30702; the proposed amendment for Section R307-224-2 is under DAR No. 30704; the proposed amendment for Section R307-310-2 is under DAR No. 30705; the proposed amendment for Rule R307-417 is under DAR No. 30706; the proposed amendment for Rule R307-801 is under DAR No. 30707; and the proposed amendment for Rule R307-840 is under DAR No. 30708; all in this issue, December 1, 2007, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: This amendment removes the specific version date for the CFR in Rule R307-223. The rule will now default to Section R307-101-3 that establishes the version of the CFR that is incorporated throughout Title R307. In a separate rulemaking, the version of the CFR reference in Section R307-101-3 is being updated to the July 1, 2007, version. There have been no changes to the incorporated since they were incorporated by reference into Rule R307-223.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-104

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR 60.1555(a) through (k); 40 CFR 60.1940; 40 CFR 60.1935; 40 CFR 60.1540 and 60.1585 through 60.1905, and the requirements and schedules set forth in Tables 2 through 8 that are found following 40 CFR 60.1940, July 1, 2007

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** Because these revisions do not create new requirements, no change in costs is expected for the state budget.
- ❖ **LOCAL GOVERNMENTS:** Because this revision does not create new requirements, no change in costs is expected for local governments.
- ❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** **SMALL BUSINESSES:** Because this revision does not create new requirements, no change in costs is expected for small businesses. **OTHER PERSONS:** Because this revision does not create new requirements, no change in costs is expected for other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because this revision does not create new requirements, no change in costs is expected for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This amendment does not create new requirements. Therefore, no additional costs are expected. Richard W. Sprott, Executive Director

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DIRECT QUESTIONS REGARDING THIS RULE TO:

Mat E. Carlile at the above address, by phone at 801-536-4136, by FAX at 801-536-0085, or by Internet E-mail at MCARLILE@utah.gov

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THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2008

AUTHORIZED BY: Bryce Bird, Planning Branch Manager

R307. Environmental Quality, Air Quality.**R307-223. Emission Standards: Existing Small Municipal Waste Combustion Units.****R307-223-1. Purpose and Applicability.**

(1) R307-223 regulates emissions from existing small municipal waste combustion units. The purpose of R307-223 is to reduce the emissions of particulate matter, sulfur dioxide, hydrogen chloride, oxides of nitrogen, carbon monoxide, lead, cadmium, mercury, and dioxins and furans from small municipal waste combustion units. Reductions are required by 42 U.S.C. 7411(d) and 7429 and 40 CFR Part 60, subpart BBBB~~[-published at 63 FR 76378, December 6, 2000]~~, and by the Plan for Existing Small Municipal Waste Combustion Units that is incorporated by reference at R307-220-4.

(2) R307-223 applies to each existing small municipal waste combustion unit that has the capacity to combust at least 35 tons per day but no more than 250 tons per day of municipal solid waste or refuse-derived fuel and commenced construction on or before August 30, 1999. A list of facilities not subject to R307-223 is found in 40 CFR 60.1555(a) through (k), ~~[and effective as of the date referenced in R307-101-3, which is hereby adopted and incorporated by reference.]~~

(3) If an owner or operator of a municipal waste combustion unit makes physical or operational changes to an existing municipal waste combustion unit primarily to comply with the Plan for Existing Small Municipal Waste Combustion Units that is incorporated by reference at R307-220-4, then R307-210 does not apply to that unit. Such changes do not constitute modifications or reconstructions under R307-210.

(4) The owner or operator of any source subject to R307-223 also is required to submit an application for an operating permit under R307-415 ~~[-and must notify the executive secretary that the source is subject to CFR Part 60, Subpart BBBB no later than January 1, 2002.]~~

R307-223-2. Definitions and Equations.

(1) The following definitions apply only to R307-223. Definitions found in 40 CFR 60.1940, ~~[effective February 5, 2001, and published at 65 FR 76378, effective as of the date referenced in R307-101-3, are adopted and incorporated by reference, with the following substitutions.~~

(a) Substitute "executive secretary" for all federal regulation references to "Administrator" or "EPA Administrator."

(b) Substitute "State of Utah" for all federal regulation references to "State," "State agency" or "State regulatory agency."

(c) "State plan" means the Plan for Existing Small Municipal Waste Combustion Units that is incorporated by reference at R307-220-4.

(d) "You" means the owner or operator of a small municipal waste combustion unit.

(e) Substitute "Rule R307-223" for all references to "this subpart."

(f) Substitute "40 CFR Part 60" for all references to "this part."

(g) Substitute "40 CFR" for all references to "This title."

(2) Equations found in 40 CFR 60.1935, ~~[effective February 5, 2001, and published at 65 FR 76378]~~ effective as of the date referenced in R307-101-3, are adopted and incorporated by reference.

R307-223-3. Requirements.

(1) Each incinerator owner or operator subject to R307-223 must comply with the requirements of 40 CFR 60.1540 and 60.1585 through 60.1905, and with the requirements and schedules set forth in Tables 2 through 8 that are found following 40 CFR 60.1940 for operator training and certification, operating requirements, emission limits, continuous emission monitoring, stack testing, other monitoring requirements, record keeping, and reporting. These provisions and table, effective as of the date referenced in R307-101-3, are adopted and incorporated by reference with the exceptions listed below.

(a) In 40 CFR 60.1650(a), delete "or state."

(b) In 40 CFR 60.1675(a), delete "or a current provisional operator certification from your State certification program."

(c) In 40 CFR 1675 (c), change "three" to "two," and delete 40 CFR 1675(c)(3).

(2) Compliance dates. Each incinerator must be in compliance with the dates in Section III of the Plan.

KEY: air pollution, municipal waste incinerator^[*], waste to energy plant^[*]

Date of Enactment or Last Substantive Amendment: ~~[September 10, 2001]~~ 2008

Notice of Continuation: March 15, 2007

Authorizing, and Implemented or Interpreted Law: 19-2-104

Environmental Quality, Air Quality
R307-224-2
 Emission Guidelines and Compliance
 Times for Coal-Fired Electric
 Generating Units

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 30704

FILED: 11/08/2007, 15:30

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the change is to remove the specific version date for the Code of Federal Regulations (CFR) found in Rule R307-224. The rule will now default to Section R307-101-3 that establishes the version of the CFR that is incorporated throughout Title R307. In a separate rulemaking, the version of the CFR referenced in Section R307-101-3 is being updated to the July 1, 2007, version. This amendment is part of an overall revision to rules that will streamline the process of updating the incorporation by reference of the CFR throughout Title R307 (see separate filings on Rules R307-

DIRECT QUESTIONS REGARDING THIS RULE TO:

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THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2008

AUTHORIZED BY: Bryce Bird, Planning Branch Manager

R307. Environmental Quality, Air Quality.**R307-223. Emission Standards: Existing Small Municipal Waste Combustion Units.****R307-223-1. Purpose and Applicability.**

(1) R307-223 regulates emissions from existing small municipal waste combustion units. The purpose of R307-223 is to reduce the emissions of particulate matter, sulfur dioxide, hydrogen chloride, oxides of nitrogen, carbon monoxide, lead, cadmium, mercury, and dioxins and furans from small municipal waste combustion units. Reductions are required by 42 U.S.C. 741(d) and 7429 and 40 CFR Part 60, subpart BBBB[, published at 63 FR 76378, December 6, 2000], and by the Plan for Existing Small Municipal Waste Combustion Units that is incorporated by reference at R307-220-4.

(2) R307-223 applies to each existing small municipal waste combustion unit that has the capacity to combust at least 35 tons per day but no more than 250 tons per day of municipal solid waste or refuse-derived fuel and commenced construction on or before August 30, 1999. A list of facilities not subject to R307-223 is found in 40 CFR 60.1555(a) through (k), [and] effective as of the date referenced in R307-101-3, which is hereby adopted and incorporated by reference.

(3) If an owner or operator of a municipal waste combustion unit makes physical or operational changes to an existing municipal waste combustion unit primarily to comply with the Plan for Existing Small Municipal Waste Combustion Units that is incorporated by reference at R307-220-4, then R307-210 does not apply to that unit. Such changes do not constitute modifications or reconstructions under R307-210.

(4) The owner or operator of any source subject to R307-223 also is required to submit an application for an operating permit under R307-415, [and must notify the executive secretary that the source is subject to CFR Part 60, Subpart BBBB no later than January 1, 2002.]

R307-223-2. Definitions and Equations.

(1) The following definitions apply only to R307-223. Definitions found in 40 CFR 60.1940, [effective February 5, 2001, and published at 65 FR 76378,] effective as of the date referenced in R307-101-3, are adopted and incorporated by reference, with the following substitutions.

(a) Substitute "executive secretary" for all federal regulation references to "Administrator" or "EPA Administrator."

(b) Substitute "State of Utah" for all federal regulation references to "State," "State agency" or "State regulatory agency."

(c) "State plan" means the Plan for Existing Small Municipal Waste Combustion Units that is incorporated by reference at R307-220-4.

(d) "You" means the owner or operator of a small municipal waste combustion unit.

(e) Substitute "Rule R307-223" for all references to "this subpart."

(f) Substitute "40 CFR Part 60" for all references to "this part."

(g) Substitute "40 CFR" for all references to "This title."

(2) Equations found in 40 CFR 60.1935, [effective February 5, 2001, and published at 65 FR 76378] effective as of the date referenced in R307-101-3, are adopted and incorporated by reference.

R307-223-3. Requirements.

(1) Each incinerator owner or operator subject to R307-223 must comply with the requirements of 40 CFR 60.1540 and 60.1585 through 60.1905, and with the requirements and schedules set forth in Tables 2 through 8 that are found following 40 CFR 60.1940 for operator training and certification, operating requirements, emission limits, continuous emission monitoring, stack testing, other monitoring requirements, record keeping, and reporting. These provisions and table, effective as of the date referenced in R307-101-3, are adopted and incorporated by reference with the exceptions listed below.

(a) In 40 CFR 60.1650(a), delete "or state."

(b) In 40 CFR 60.1675(a), delete "for a current provisional operator certification from your State certification program."

(c) In 40 CFR 1675 (c), change "three" to "two," and delete 40 CFR 1675(c)(3).

(2) Compliance dates. Each incinerator must be in compliance with the dates in Section III of the Plan.

KEY: air pollution, municipal waste incinerator[*], waste to energy plant[*]

Date of Enactment or Last Substantive Amendment: [September 10, 2001] 2008

Notice of Continuation: March 15, 2007

Authorizing, and Implemented or Interpreted Law: 19-2-104

Environmental Quality, Air Quality

R307-224-2

Emission Guidelines and Compliance Times for Coal-Fired Electric Generating Units

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 30704

FILED: 11/08/2007, 15:30

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the change is to remove the specific version date for the Code of Federal Regulations (CFR) found in Rule R307-224. The rule will now default to Section R307-101-3 that establishes the version of the CFR that is incorporated throughout Title R307. In a separate rulemaking, the version of the CFR referenced in Section R307-101-3 is being updated to the July 1, 2007, version. This amendment is part of an overall revision to rules that will streamline the process of updating the incorporation by reference of the CFR throughout Title R307 (see separate filings on Rules R307-

101, R307-115, R307-170, R307-215, R307-221, R307-222, R307-223, R307-310, R307-417, R307-801, and R307-840 in this issue). If requested, a public hearing will be held Wednesday, 12/19/2007 at 2:00 p.m. in the Main Conference Room of the Environmental Quality Building located at 150 N 1950 W in Salt Lake City. If no request for a public hearing is received by 12/17/2007, the hearing will be canceled. After 12/17/2007, you may go to <http://www.airquality.utah.gov/Public-Interest/Public-Commen-Hearings/Pubrule.htm> or call 801-536-4136 to determine if the public hearing has been canceled. A request for a public hearing may be submitted by electronic mail to mcarlile@utah.gov or by calling 801-536-4136. (DAR NOTE: The proposed amendment for Rule R307-101 is DAR No. 30697; the proposed amendment for Rule R307-115 is under DAR No. 30698; the proposed amendment for Section R307-170-7 is under DAR No. 30699; the proposed repeal of Rule R307-215 is under DAR No. 30700; the proposed amendment for Rule R307-221 is under DAR No. 30701; the proposed amendment for Rule R307-222 is under DAR No. 30702; the proposed amendment for Rule R307-223 is under DAR No. 30703; the proposed amendment for Section R307-310-2 is under DAR No. 30705; the proposed amendment for Rule R307-417 is under DAR No. 30706; the proposed amendment for Rule R307-801 is under DAR No. 30707; and the proposed amendment for Rule R307-840 is under DAR No. 30708 all in this issue, December 1, 2007, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: This amendment removes the specific version date for the CFR in Rule R307-224. The rule will now default to Section R307-101-3 that establishes the version of the CFR that is incorporated throughout Title R307. In a separate rulemaking, the version of the CFR referenced in Section R307-101-3 is being updated to the July 1, 2007, version. There have been no changes to Part 60, subpart HHHH since it was incorporated by reference into Rule R307-224.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(3)(q)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR Part 60, subpart HHHH, July 1, 2007

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** Because these revisions do not create new requirements, no change in costs is expected for the state budget.
- ❖ **LOCAL GOVERNMENTS:** Because this revision does not create new requirements, no change in costs is expected for local governments.
- ❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** **SMALL BUSINESSES:** Because this revision does not create new requirements, no change in costs is expected for small businesses. **OTHER PERSONS:** Because this revision does not create new requirements, no change in costs is expected for other persons.

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COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This amendment does not create new requirements. Therefore, no additional costs are expected. Richard W. Sprott, Executive Director

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at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Mat E. Carlile at the above address, by phone at 801-536-4136, by FAX at 801-536-0085, or by Internet E-mail at MCARLILE@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/31/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2008

AUTHORIZED BY: Bryce Bird, Planning Branch Manager

R307. Environmental Quality, Air Quality.

R307-224. Mercury Emission Standards: Coal-Fired Electric Generating Units.

R307-224-2. Emission Guidelines and Compliance Times for Coal-Fired Electric Generating Units.

(1) The following sections of 40 CFR Part 60, subpart HHHH [effective on June 9, 2006], effective as of the date referenced in R307-101-3, are adopted and incorporated by reference into these rules:

- (a) Sections 60.4101 through 60.4124;
- (b) Sections 60.4142 paragraph (c)(2) through paragraph (c)(4);
- (c) Sections 60.4150 through 60.4176.

KEY: air pollution, electric generating unit, mercury

Date of Enactment or Last Substantive Amendment: [March 15, 2007] 2008

Authorizing, and Implemented or Interpreted Law: 19-2-104(3)(q); 40 CFR Part 60, Subparts Da and HHHH

Environmental Quality, Air Quality
R307-310-2
Definitions

101, R307-115, R307-170, R307-215, R307-221, R307-222, R307-223, R307-310, R307-417, R307-801, and R307-840 in this issue). If requested, a public hearing will be held Wednesday, 12/19/2007 at 2:00 p.m. in the Main Conference Room of the Environmental Quality Building located at 150 N 1950 W in Salt Lake City. If no request for a public hearing is received by 12/17/2007, the hearing will be canceled. After 12/17/2007, you may go to <http://www.airquality.utah.gov/Public-Interest/Public-Comment-Hearings/Pubrule.htm> or call 801-536-4136 to determine if the public hearing has been canceled. A request for a public hearing may be submitted by electronic mail to mcarlile@utah.gov or by calling 801-536-4136. (DAR NOTE: The proposed amendment for Rule R307-101 is DAR No. 30697; the proposed amendment for Rule R307-115 is under DAR No. 30698; the proposed amendment for Section R307-170-7 is under DAR No. 30699; the proposed repeal of Rule R307-215 is under DAR No. 30700; the proposed amendment for Rule R307-221 is under DAR No. 30701; the proposed amendment for Rule R307-222 is under DAR No. 30702; the proposed amendment for Rule R307-223 is under DAR No. 30703; the proposed amendment for Section R307-310-2 is under DAR No. 30705; the proposed amendment for Rule R307-417 is under DAR No. 30706; the proposed amendment for Rule R307-801 is under DAR No. 30707; and the proposed amendment for Rule R307-840 is under DAR No. 30708 all in this issue, December 1, 2007, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: This amendment removes the specific version date for the CFR in Rule R307-224. The rule will now default to Section R307-101-3 that establishes the version of the CFR that is incorporated throughout Title R307. In a separate rulemaking, the version of the CFR referenced in Section R307-101-3 is being updated to the July 1, 2007, version. There have been no changes to Part 60, subpart HHHH since it was incorporated by reference into Rule R307-224.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(3)(q)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR Part 60, Subpart HHHH, July 1, 2007

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** Because these revisions do not create new requirements, no change in costs is expected for the state budget.
- ❖ **LOCAL GOVERNMENTS:** Because this revision does not create new requirements, no change in costs is expected for local governments.
- ❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** **SMALL BUSINESSES:** Because this revision does not create new requirements, no change in costs is expected for small businesses. **OTHER PERSONS:** Because this revision does not create new requirements, no change in costs is expected for other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because this revision does not create new requirements, no change in costs is expected for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This amendment does not create new requirements. Therefore, no additional costs are expected. Richard W. Sprott, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Mat E. Carlile at the above address, by phone at 801-536-4136, by FAX at 801-536-0085, or by Internet E-mail at Mcarlile@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/31/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2008

AUTHORIZED BY: Bryce Bird, Planning Branch Manager

R307. Environmental Quality, Air Quality.

R307-224. Mercury Emission Standards: Coal-Fired Electric Generating Units.

R307-224-2. Emission Guidelines and Compliance Times for Coal-Fired Electric Generating Units.

(1) The following sections of 40 CFR Part 60, subpart HHHH [effective on June 9, 2006], effective as of the date referenced in R307-101-3, are adopted and incorporated by reference into these rules:

- (a) Sections 60.4101 through 60.4124
- (b) Sections 60.4142 paragraph (c)(2) through paragraph (c)(4);
- (c) Sections 60.4150 through 60.4176.

KEY: air pollution, electric generating unit, mercury

Date of Enactment or Last Substantive Amendment: [March 15, 2007] 2008

Authorizing, and Implemented or Interpreted Law: 19-2-104(3)(q); 40 CFR Part 60, Subparts Da and HHHH

Environmental Quality, Air Quality
R307-310-2
Definitions

NOTICE OF PROPOSED RULE
(Amendment)

DAR FILE No.: 30705
FILED: 11/08/2007, 15:31

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the change is to remove the specific version date for the Code of Federal Regulations (CFR) found in Rule R307-310. The rule will now default to Section R307-101-3 that establishes the version of the CFR that is incorporated throughout Title R307. In a separate rulemaking, the version of the CFR referenced in Section R307-101-3 is being updated to the July 1, 2007, version. This amendment is part of an overall revision to rules that will streamline the process of updating the incorporation by reference of the CFR throughout Title R307 (see separate filings on Rules R307-101, R307-115, R307-170, R307-215, R307-221, R307-222, R307-223, R307-224, R307-417, R307-801, and R307-840 in this issue). If requested, a public hearing will be held Wednesday, 12/19/2007 at 2:00 p.m. in the Main Conference Room of the Environmental Quality Building located at 150 N 1950 W in Salt Lake City. If no request for a public hearing is received by 12/17/2007, the hearing will be canceled. After 12/17/2007, you may go to <http://www.airquality.utah.gov/Public-Interest/Public-Commen-Hearings/Pubrule.htm> or call 801-536-4136 to determine if the public hearing has been canceled. A request for a public hearing may be submitted by electronic mail to mcarlile@utah.gov or by calling 801-536-4136. (DAR NOTE: The proposed amendment for Rule R307-101 is DAR No. 30697; the proposed amendment for Rule R307-115 is under DAR No. 30698; the proposed amendment for Section R307-170-7 is under DAR No. 30699; the proposed repeal of Rule R307-215 is under DAR No. 30700; the proposed amendment for Rule R307-221 is under DAR No. 30701; the proposed amendment for Rule R307-222 is under DAR No. 30702; the proposed amendment for Rule R307-223 is under DAR No. 30703; the proposed amendment for Section R307-224-2 is under DAR No. 30704; the proposed amendment for Rule R307-417 is under DAR No. 30706; the proposed amendment for Rule R307-801 is under DAR No. 30707; and the proposed amendment for Rule R307-840 is under DAR No. 30708 all in this issue, December 1, 2007, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: This amendment removes the specific version date for the CFR in Rule R307-310. The rule will now default to Section R307-101-3 that establishes the version of the CFR that is incorporated throughout Title R307. In a separate rulemaking, the version of the CFR referenced in Section R307-101-3 is being updated to the July 1, 2007, version. There have been four revisions to Part 93 since it was incorporated into Utah's rules: 08/06/2002, 07/01/2004, 05/06/2005, and 03/10/2006. These changes to the federal regulation affect the underlying transportation conformity process, but they do not affect the purpose and implementation of Rule R307-310 that is focused on how to apply the conformity budget in the PM10 SIP for Salt Lake County. In addition, the changes to Part 93 were considered during the adoption of Part XII of the SIP, Transportation Conformity Consultation that was adopted by the Board on

05/02/2007. Therefore, those changes are not described in detail here.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-104

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR 93.101, July 1, 2007

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: Because these revisions do not create new requirements, no change in costs is expected for the state budget.
- ❖ LOCAL GOVERNMENTS: Because this revision does not create new requirements, no change in costs is expected for local governments.
- ❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: SMALL BUSINESSES: Because this revision does not create new requirements, no change in costs is expected for small businesses. OTHER PERSONS: Because this revision does not create new requirements, no change in costs is expected for other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because this revision does not create new requirements, no change in costs is expected for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This amendment does not create new requirements. Therefore, no additional costs are expected. Richard W. Sprott, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Mat E. Carlile at the above address, by phone at 801-536-4136, by FAX at 801-536-0085, or by Internet E-mail at MCARLILE@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/31/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2008

AUTHORIZED BY: Bryce Bird, Planning Branch Manager

R307. Environmental Quality, Air Quality.
R307-310. Salt Lake County: Trading of Emission Budgets for Transportation Conformity.
R307-310-2. Definitions.

The definitions contained in 40 CFR 93.101, [effective as of July 1, 2007] effective as of the date referenced in R307-101-3, are

incorporated into this rule by reference. The following additional definitions apply to this rule.

"Budget" means the motor vehicle emission projections used in the attainment demonstration in the Salt Lake County portion of Section IX, Part A of the State Implementation Plan, "Fine Particulate Matter (PM10)."

"NOx" means oxides of nitrogen.

"Primary PM10" means PM10 that is emitted directly by a source.

Primary PM10 does not include particulate matter that is formed when gaseous emissions undergo chemical reactions in the ambient air.

"Transportation Conformity" means a demonstration that a transportation plan, transportation improvement program, or project conforms with the emissions budgets in a state implementation plan, as outlined in 40 CFR, Chapter 1, Part 93, "Determining Conformity of Federal Actions to State or Federal Implementation Plans."

KEY: air pollution, transportation conformity, PM10

Date of Enactment or Last Substantive Amendment: [July 7, 2005]2008

Notice of Continuation: September 7, 2005

Authorizing, and Implemented or Interpreted Law: 19-2-104

Environmental Quality, Air Quality **R307-401-14** Used Oil Fuel Burned for Energy Recovery

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 30709

FILED: 11/08/2007, 15:31

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the change is to ensure the definition of "boiler" is consistent in the Air Quality rules and the Solid and Hazardous Waste rules. If requested, a public hearing will be held Wednesday, 12/19/2007 at 2:00 p.m. in the Main Conference Room of the Environmental Quality Building located at 150 N 1950 W in Salt Lake City. If no request for a public hearing is received by 12/17/2007, the hearing will be canceled. After 12/17/2007, you may go to <http://www.airquality.utah.gov/Public-Interest/Public-Comments-Hearings/Rule.htm> or call 801-536-4136 to determine if the public hearing has been canceled. A request for a public hearing may be submitted by electronic mail to mcarlile@utah.gov or by calling 801-536-4136.

SUMMARY OF THE RULE OR CHANGE: The Utah Air Quality Board is proposing to reference the Solid and Hazardous Waste definition of "boiler" that is used in Subsection R315-1-1(b) rather than referencing the Code of Federal Regulations to ensure the Air Quality rules are consistent with the Solid and Hazardous Waste rules. It is the intent of the Board to be consistent with the definition found in Section R315-1-1.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-104

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** No costs or savings are expected because the cost of Air Quality's reviews are covered by fees paid by applicants.

❖ **LOCAL GOVERNMENTS:** Because this revision does not create new requirements, no change in costs is expected for local governments.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** **SMALL BUSINESSES:** Because this revision does not create new requirements, no change in costs is expected for small businesses. **OTHER PERSONS:** Because this revision does not create new requirements, no change in costs is expected for other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because this revision does not create new requirements, no change in costs is expected for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This amendment does not create new requirements. Therefore, no additional costs are expected. Richard W. Sprott, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

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AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Mat E. Carlile at the above address, by phone at 801-536-4136, by FAX at 801-536-0085, or by Internet E-mail at MCARLILE@utah.gov

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THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2008

AUTHORIZED BY: Bryce Bird, Planning Branch Manager

R307. Environmental Quality, Air Quality.

R307-401. Permit: New and Modified Sources.

R307-401-14. Used Oil Fuel Burned for Energy Recovery.

(1) Definitions.

"Boiler" means boiler as defined in R315-1-1(b) [that incorporates by reference the term "boiler" in 40 CFR 260.10, 2000 ed., as amended by 67 FR 2962, January 22, 2002].

"Used Oil" is defined as any oil that has been refined from crude oil, used, and, as a result of such use contaminated by physical or chemical impurities.

(2) Boilers burning used oil for energy recovery are exempted from the requirement to obtain an approval order in R307-401-5 through 8 if the following requirements are met:

(a) the heat input design is less than one million BTU/hr;
(b) contamination levels of all used oil to be burned do not exceed any of the following values:

- (i) arsenic - 5 ppm by weight,
- (ii) cadmium - 2 ppm by weight,
- (iii) chromium - 10 ppm by weight,
- (iv) lead - 100 ppm by weight,
- (v) total halogens - 1,000 ppm by weight,
- (vi) Sulfur - 0.50% by weight; and
- (c) the flash point of all used oil to be burned is at least 100 degrees Fahrenheit.

(3) Testing. The owner or operator shall test each load of used oil received or generated as directed by the executive secretary to ensure it meets these requirements. Testing may be performed by the owner/operator or documented by test reports from the used fuel oil vendor. The flash point shall be measured using the appropriate ASTM method as required by the executive secretary. Records for used oil consumption and test reports are to be kept for all periods when fuel-burning equipment is in operation. The records shall be kept on site and made available to the executive secretary or the executive secretary's representative upon request. Records must be kept for a three-year period.

KEY: air pollution, permits, approval orders

Date of Enactment or Last Substantive Amendment: ~~June 16, 2006~~ 2008

Notice of Continuation: July 13, 2007

Authorizing, and Implemented or Interpreted Law: 19-2-104(3)(q); 19-2-108

Environmental Quality, Air Quality **R307-417** Acid Rain Sources

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 30706
FILED: 11/08/2007, 15:31

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the change is to remove the specific version date for the Code of Federal Regulations (CFR) found in Rule R307-417. The rule will now default to Section R307-101-3 that establishes the version of the CFR that is incorporated throughout Title R307. The Utah Air Quality Board is also proposing to add two new sections that will incorporate by reference 40 CFR Part 75 and Part 76, so that all rules that deal with the Acid Rain program are in one rule. This amendment is part of an overall revision to rules that will streamline the process of updating the incorporation by reference of the CFR throughout Title R307 (see separate filings on Rules R307-101, R307-115, R307-170, R307-215, R307-221, R307-222, R307-223, R307-224, R307-310, R307-

801, and R307-840 in this issue). If requested, a public hearing will be held Wednesday, 12/19/2007 at 2:00 p.m. in the Main Conference Room of the Environmental Quality Building located at 150 N 1950 W in Salt Lake City. If no request for a public hearing is received by 12/17/2007, the hearing will be canceled. After 12/17/2007, you may go to <http://www.airquality.utah.gov/Public-Interest/Public-Comments-Hearings/Rule.htm> or call 801-536-4136 to determine if the public hearing has been canceled. A request for a public hearing may be submitted by electronic mail to mcarrille@utah.gov or by calling 801-536-4136. (DAR NOTE: The proposed amendment for Rule R307-101 is DAR No. 30697; the proposed amendment for Rule R307-115 is under DAR No. 30698; the proposed amendment for Section R307-170-7 is under DAR No. 30699; the proposed repeal of Rule R307-215 is under DAR No. 30700; the proposed amendment for Rule R307-221 is under DAR No. 30701; the proposed amendment for Rule R307-222 is under DAR No. 30702; the proposed amendment for Rule R307-223 is under DAR No. 30703; the proposed amendment for Section R307-224-2 is under DAR No. 30704; the proposed amendment for Section R307-310-2 is under DAR No. 30705; the proposed amendment for Rule R307-801 is under DAR No. 30707; and the proposed amendment for Rule R307-840 is under DAR No. 30708 all in this issue, December 1, 2007, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: This amendment removes the specific version date for the CFR in Rule R307-417. The rule will now default to Section R307-101-3 that establishes the version of the CFR that is incorporated throughout Title R307. In a separate rulemaking, the version of the CFR referenced in Section R307-101-3 is being updated to the July 1, 2007, version. The following changes to 40 CFR Part 72 will be included as the result of the change in Section R307-101-3. 05/13/1999 (64 FR 25842) This action revised certain provisions in the regulations concerning the deduction of allowances for determining compliance. The revisions improved the operation of the Allowance Tracking System and the allowance market generally, while still preserving the Act's environmental goals. This action allowed excess emissions to be reduced at a unit by allowing deductions of up to a certain number of allowances for that unit from the allowance accounts of other units at the same source that had unused allowances. This revision included a formula for calculating the allowance deductions allowed from other units' accounts. This revision allowed the authorized account representative to specify, within 15 days of receiving notice from the Agency of a unit's failure to hold sufficient allowances, the serial numbers of the allowances to deduct and the compliance sub-accounts from which to deduct those allowances. 05/26/1999 (64 FR 28588) This revision involved the following matters: 1) revised definitions of gas-fired, oil-fired, and peaking unit to allow for changes in the unit fuel usage and/or operation; 2) revised the applicability provisions in part 72 by making a minor wording correction; 3) added new QA/QC requirements for quantifying stack gas moisture content; 4) clarified the certification and recertification process; 5) revised substitute data requirements for CO2 heat input and moisture; 6) revised the petition provisions for alternatives to part 75 requirements; 7) clarified the span and range requirement; 8) clarified the general QA/QC requirement; 9) added calibration error test

requirements; 10) added linearity test requirement; 11) added a new flow-to-load QA test for flow monitors; 12) added reductions in and/or clarifications to the Relative Accuracy Test Audit (RATA) and bias test requirements; 13) clarified the procedures for continuous emissions monitoring (CEM) data validation; 14) clarified the SO₂ emission data protocol for gas-fired and oil-fired units; 15) revised the determination of CO₂ emissions under Appendix G; 16) revised the recordkeeping and reporting to reflect the other proposed revisions; 17) revised the traceability protocol for calibration gases, and 18) revised NO_x mass emission recordkeeping and reporting provisions, and revised the NO_x mass monitoring requirement. 03/01/2001 (66 FR 12978) This action removed the industrial utility units exemption from the existing rules. Industrial utility units are not affected utility units under Title IV of the Act and therefore do not need an exemption from requirements of Title IV. 05/12/2005 (70 FR 25334) This action promulgated requirements that are not relevant to Utah. 04/28/2006 (71 FR 25378) This action promulgated requirements for Clean Air Interstate Rule (CAIR), which does not apply to western states. The Utah Air Quality Board is also proposing to add two sections to Rule R307-417 that will incorporate by reference 40 CFR Part 75 and 40 CFR Part 76. Although Part 75 is referenced throughout R307, it was never actually incorporated by reference into R307. Part 75 establishes the monitoring, recordkeeping, and reporting requirements for the Acid Rain Program, and should have been incorporated by reference years ago. Therefore, the Board is proposing to adopt a change to Rule R307-417 that incorporates 40 CFR 75 into Title R307. The Board is also proposing to move 40 CFR Part 76 from Rule R307-215 to Rule R307-417, so that all rules that deal with the Acid Rain program are in one rule (see separate filing on Rule R307-215 in this issue). The EPA has made several changes to 40 CFR Part 76 since it was last incorporated by reference. The following is a summary of these changes: 01/23/1997 (62 FR 3464) This action corrected the effective date and other inadvertent typographical and administrative errors in the 12/19/1996 final rule. The effective date was revised to 02/17/1997, which was 60 days after the 12/19/1996 publication date, as required by Small Business Regulatory Enforcement Fairness Act. The several other corrections involved correcting the amendatory instructions in the 12/19/1996 rule. The amendatory instruction adding defined terms to the definitions section (76.2) and included terms for which no definition was actually provided or intended to be provided. The incorrectly listed terms were removed from the amendatory instructions. The remaining corrections involved typographical or similar errors in the rule language itself. 10/15/1999 (64 FR 55838) This action defined any boiler subject to the limits starting in 2000, constructed as a cell burner boiler, and converted to the burner configuration of a wall-fired boiler as a cell burner boiler. A cell burner boiler must meet an annual average NO_x emission limit of 0.68 lb/mmBTU.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-104

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR Part 72, 40 CFR Part 75, and 40 CFR Part 76, July 1, 2007

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: No costs or savings are expected because the cost of Air Quality's reviews are covered by fees paid by applicants.

❖ LOCAL GOVERNMENTS: No adverse economic impact is expected to occur as a result of updating the incorporation by reference of the CFR because these provisions are already federally enforceable.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: SMALL BUSINESSES: No adverse economic impact is expected to occur as a result of updating the incorporation by reference of the CFR because these provisions are already federally enforceable. OTHER PERSONS: No adverse economic impact is expected to occur as a result of updating the incorporation by reference of the CFR because these provisions are already federally enforceable.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No adverse economic impact is expected to occur as a result of updating the incorporation by reference of the CFR because these provisions are already federally enforceable.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No adverse economic impact is expected to occur as a result of updating the incorporation by reference of the CFR because these provisions are already federally enforceable. Richard W. Sprott, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

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INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/31/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2008

AUTHORIZED BY: Bryce Bird, Planning Branch Manager

R307. Environmental Quality, Air Quality.**R307-417. Permits: Acid Rain Sources.****R307-417-1. Part 72 Requirements.**

The provisions of 40 CFR Part 72, ~~[as in effect on July 1, 1998]~~ effective as of the date referenced in R307-101-3, for purposes of implementing an acid rain program that meets the requirements of Title IV of the Clean Air Act, are incorporated into these rules by reference. The term "permitting authority" shall mean the Executive Secretary of the Air Quality Board, and the term "Administrator" shall mean the Administrator of the Environmental Protection Agency. If the provisions or requirements of 40 CFR Part 72 conflict with or are not included in R307-415, Permits: Operating Permit Requirements, provisions and requirements of 40 CFR Part 72 shall apply and take precedence.

R307-417-2. Part 75 Requirements.

The provisions of 40 CFR Part 75, effective as of the date referenced in R307-101-3, for purposes of implementing an acid rain program that meets the requirements of Title IV of the Clean Air Act, are incorporated into these rules by reference. The term "permitting authority" shall mean the executive secretary of the Air Quality Board, and the term "Administrator" shall mean the Administrator of the Environmental Protection Agency. If the provisions or requirements of 40 CFR Part 75 conflict with or are not included in R307-415, Operating Permit Requirements, provisions and requirements of 40 CFR Part 75 shall apply and take precedence.

R307-417-3. Part 76 Requirements.

The provisions of 40 CFR Part 76, effective as of the date referenced in R307-101-3, for purposes of implementing an acid rain program that meets the requirements of Title IV of the Clean Air Act, are incorporated into these rules by reference. The term "permitting authority" shall mean the executive secretary of the Air Quality Board, and the term "Administrator" shall mean the Administrator of the Environmental Protection Agency. If the provisions or requirements of 40 CFR Part 76 conflict with or are not included in R307-415, Operating Permit Requirements, provisions and requirements of 40 CFR Part 76 shall apply and take precedence.

KEY: acid rain, air quality, permitting authority[?], operating permit[?]

Date of Enactment or Last Substantive Amendment: ~~[March 5, 1999]~~ 2008

Notice of Continuation: July 13, 2007

Authorizing, and Implemented or Interpreted Law: 19-2-101; 19-2-104(3)(q)

Environmental Quality, Air Quality
R307-801
Asbestos

NOTICE OF PROPOSED RULE
(Amendment)

DAR FILE NO.: 30707

FILED: 11/08/2007, 15:31

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the change is to remove the specific version date for the Code of Federal Regulations (CFR) found in Rule R307-801. The rule will now default to Section R307-101-3 that establishes the version of the CFR that is incorporated throughout Title R307. In a separate rulemaking, the version of the CFR referenced in Section R307-101-3 is being updated to the July 1, 2007, version. This amendment is part of an overall revision to the rules that will streamline the process of updating the incorporation by reference of the CFR throughout Title R307 (see separate filings on Rules R307-101, R307-115, R307-170, R307-215, R307-221, R307-222, R307-223, R307-224, R307-310, R307-417, and R307-840 in this issue). If requested, a public hearing will be held Wednesday, 12/19/2007 at 2:00 p.m. in the Main Conference Room of the Environmental Quality Building located at 150 N 1950 W in Salt Lake City. If no request for a public hearing is received by 12/17/2007, the hearing will be canceled. After 12/17/2007, you may go to <http://www.airquality.utah.gov/Public-Interest/Public-Comment-Hearings/Pubrule.htm> or call 801-536-4136 to determine if the public hearing has been canceled. A request for a public hearing may be submitted by electronic mail to mcarrile@utah.gov or by calling 801-536-4136. (DAR NOTE: The proposed amendment for Rule R307-101 is DAR No. 30697; the proposed amendment for Rule R307-115 is under DAR No. 30698; the proposed amendment for Section R307-170-7 is under DAR No. 30699; the proposed repeal of Rule R307-215 is under DAR No. 30700; the proposed amendment for Rule R307-221 is under DAR No. 30701; the proposed amendment for Rule R307-222 is under DAR No. 30702; the proposed amendment for Rule R307-223 is under DAR No. 30703; the proposed amendment for Section R307-224-2 is under DAR No. 30704; the proposed amendment for Section R307-310-2 is under DAR No. 30705; the proposed amendment for Rule R307-417 is under DAR No. 30706; and the proposed amendment for Rule R307-840 is under DAR No. 30708 all in this issue, December 1, 2007, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: This amendment removes the specific version date for the CFR in Rule R307-801. The rule will now default to Section R307-101-3 that establishes the version of the CFR that is incorporated throughout Title R307. In a separate rulemaking, the version of the CFR referenced in Section R307-101-3 is being updated to the July 1, 2007, version. The following changes to 40 CFR Part 763, Subpart E will be included as the result of the change in Section R307-101-3. 11/15/2000 (65 FR 69216) This action amends both the Asbestos Worker Protection Rule (WPR) and the Asbestos-in-Schools Rule. The WPR amendment protects state and local government employees from the health risks of exposure to asbestos to the same extent as private sector workers by adopting for these employees the Asbestos Standards of the Occupational Safety and Health Administration (OSHA). The WPR's coverage is extended to state and local government employees who are performing construction work, custodial work, and automotive brake and clutch repair work. This action cross-references the OSHA

R307. Environmental Quality, Air Quality.**R307-417. Permits: Acid Rain Sources.****R307-417-1. Part 72 Requirements.**

The provisions of 40 CFR Part 72, [as in effect on July 1, 1998] effective as of the date referenced in R307-101-3, for purposes of implementing an acid rain program that meets the requirements of Title IV of the Clean Air Act, are incorporated into these rules by reference. The term "permitting authority" shall mean the Executive Secretary of the Air Quality Board, and the term "Administrator" shall mean the Administrator of the Environmental Protection Agency. If the provisions or requirements of 40 CFR Part 72 conflict with or are not included in R307-415, Permits: Operating Permit Requirements, provisions and requirements of 40 CFR Part 72 shall apply and take precedence.

R307-417-2. Part 75 Requirements.

The provisions of 40 CFR Part 75, effective as of the date referenced in R307-101-3, for purposes of implementing an acid rain program that meets the requirements of Title IV of the Clean Air Act, are incorporated into these rules by reference. The term "permitting authority" shall mean the executive secretary of the Air Quality Board, and the term "Administrator" shall mean the Administrator of the Environmental Protection Agency. If the provisions or requirements of 40 CFR Part 75 conflict with or are not included in R307-415, Operating Permit Requirements, provisions and requirements of 40 CFR Part 75 shall apply and take precedence.

R307-417-3. Part 76 Requirements.

The provisions of 40 CFR Part 76, effective as of the date referenced in R307-101-3, for purposes of implementing an acid rain program that meets the requirements of Title IV of the Clean Air Act, are incorporated into these rules by reference. The term "permitting authority" shall mean the executive secretary of the Air Quality Board, and the term "Administrator" shall mean the Administrator of the Environmental Protection Agency. If the provisions or requirements of 40 CFR Part 76 conflict with or are not included in R307-415, Operating Permit Requirements, provisions and requirements of 40 CFR Part 76 shall apply and take precedence.

KEY: acid rain, air quality, permitting authority[?], operating permit[?]

Date of Enactment or Last Substantive Amendment: [March 5, 1999] 2008

Notice of Continuation: July 13, 2007

Authorizing, and Implemented or Interpreted Law: 19-2-101; 19-2-104(3)(q)

Environmental Quality, Air Quality

R307-801

Asbestos

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 30707

FILED: 11/08/2007, 15:31

RULE ANALYSIS

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SUMMARY OF THE RULE OR CHANGE: This amendment removes the specific version date for the CFR in Rule R307-801. The rule will now default to Section R307-101-3 that establishes the version of the CFR that is incorporated throughout Title R307. In a separate rulemaking, the version of the CFR referenced in Section R307-101-3 is being updated to the July 1, 2007, version. The following changes to 40 CFR Part 763, Subpart E will be included as the result of the change in Section R307-101-3. 11/15/2000 (65 FR 69216) This action amends both the Asbestos Worker Protection Rule (WPR) and the Asbestos-in-Schools Rule. The WPR amendment protects state and local government employees from the health risks of exposure to asbestos to the same extent as private sector workers by adopting for these employees the Asbestos Standards of the Occupational Safety and Health Administration (OSHA). The WPR's coverage is extended to state and local government employees who are performing construction work, custodial work, and automotive brake and clutch repair work. This action cross-references the OSHA

Asbestos Standards for Construction and for General Industry, so that future amendments to these OSHA standards are directly and equally effective for employees covered by the WPR. This action also amends the Asbestos-in-Schools Rule to provide coverage under the WPR for employees of public local education agencies who perform operations, maintenance and repair activities. EPA issued this final rule under section 6 of the Toxic Substances Control Act (TSCA). 10/13/2005 (70 FR 59889) This action established the framework by which the EPA will accept electronic reports from regulated entities in satisfaction of certain document submission requirements in EPA's regulations. EPA will provide public notice when the Agency is ready to receive direct submissions of certain documents from regulated entities in electronic form consistent with this rulemaking via an EPA electronic document receiving system. This rule does not mandate that regulated entities utilize electronic methods to submit documents in lieu of paper-based submissions. In addition, EPA did not take final action on electronic recordkeeping requirements. States, tribes, and local governments will be able to seek EPA approval to accept electronic documents to satisfy reporting requirements under environmental programs that EPA has delegated, authorized, or approved them to administer. This rule includes performance standards against which a state's, tribe's, or local government's electronic document receiving system will be evaluated before EPA will approve changes to the delegated, authorized or approved program to provide electronic reporting, and establishes a streamlined process that states, tribes, and local governments can use to seek and obtain such approvals.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-104

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR Part 763, Subpart E, July 1, 2007

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** No costs or savings are expected because the cost of Air Quality's reviews are covered by fees paid by applicants.
- ❖ **LOCAL GOVERNMENTS:** No adverse economic impact is expected to occur as a result this rule, because these provisions are already federally enforceable.
- ❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** **SMALL BUSINESSES:** No adverse economic impact is expected to occur as a result this rule, because these provisions are already federally enforceable. **OTHER PERSONS:** No adverse economic impact is expected to occur as a result this rule, because these provisions are already federally enforceable.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No adverse economic impact is expected to occur as a result this rule, because these provisions are already federally enforceable.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No adverse economic impact is expected to occur as a result of this rule, because these

provisions are already federally enforceable. Richard W. Sprott, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Mat E. Carlile at the above address, by phone at 801-536-4136, by FAX at 801-536-0085, or by Internet E-mail at MCARLILE@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/31/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2008

AUTHORIZED BY: Bryce Bird, Planning Branch Manager

R307. Environmental Quality, Air Quality.

R307-801. Asbestos.

R307-801-3. Definitions.

The following definitions apply to R307-801:

"Adequately Wet" means sufficiently mix or penetrate with liquid to prevent the release of particulates. If visible emissions are observed coming from asbestos-containing material, then that material has not been adequately wetted. However, the absence of visible emissions is not sufficient evidence of being adequately wet.

"Amended Water" means a mixture of water and a chemical wetting agent that provides control of asbestos fiber release.

"AHERA" means the federal Asbestos Hazard Emergency Response Act of 1986 and the Environmental Protection Agency implementing regulations, 40 CFR Part 763, Subpart E - Asbestos-Containing Materials in Schools.

"Asbestos" means the asbestiform varieties of serpentine (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite (amosite), anthophyllite, and actinolite-tremolite.

"Asbestos Containing Material (ACM)" means any material containing more than one percent (1%) asbestos by the method specified in Appendix A, Subpart F, 40 CFR Part 763 Section 1, Polarized Light Microscopy (PLM), or, if the asbestos content is less than 10%, the asbestos concentration must be determined by point counting using PLM procedure.

"Asbestos Inspection" means any activity undertaken to determine the presence or location, or to assess the condition, of asbestos-containing material or suspected asbestos-containing material, whether by visual or physical examination, or by taking samples of the material. This term includes re-inspections of the type described in AHERA, 40 CFR 763.85(b), of known or assumed asbestos-containing material which has been previously identified. The term does not include the following:

- (a) Periodic surveillance of the type described in AHERA, 40 CFR 763.92(b), solely for the purpose of recording or reporting a

change in the condition of known or assumed asbestos-containing material;

(b) Inspections performed by employees or agents of federal, state, or local government solely for the purpose of determining compliance with applicable statutes or regulations; or

(c) Visual inspections of the type described in AHERA, 40 CFR 763.90(i), solely for the purpose of determining completion of response actions.

"Asbestos Project" means any activity involving the removal, renovation, repair, demolition, salvage, disposal, cleanup, or other disturbance of regulated asbestos-containing material greater than small scale short duration.

"Asbestos Removal" means the stripping of friable asbestos-containing material from surfaces or components of a structure or taking out structural components that contain or are covered with friable ACM from a structure.

"Asbestos Survey Report" means a written report as specified in R307-801-10(6) describing an asbestos inspection performed by a certified asbestos inspector.

"Asbestos Waste" means any waste that contains asbestos. This term includes filters from control devices, friable asbestos-containing waste material, and bags or other similar packaging contaminated with asbestos. As applied to demolition and renovations, this term includes materials contaminated with asbestos including disposable equipment and clothing.

"Containerized" means sealed in a leak-tight and durable container.

"Debris" means asbestos-containing material that has been dislodged and has fallen from its original substrate and position or which has fallen while remaining attached to substrate sections or fragments, and is friable or regulated in its current condition.

"Demolition" means the wrecking, salvage, or removal of any load-supporting structural member of a structure together with any related handling operations, or the intentional burning of any structure. This includes the moving of an entire building.

"Disturb" means to disrupt the matrix of ACM or regulated asbestos-containing material, crumble or pulverize ACM or regulated asbestos-containing material, or generate visible debris from ACM or regulated asbestos-containing material.

"Division" means the Division of Air Quality.

"Emergency Renovation Operation" means any asbestos project which was not planned and results from a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard, is necessary to protect equipment from damage, or is necessary to avoid imposing an unreasonable financial burden as determined by the Division. This term includes operations necessitated by non-routine failure of equipment and does not include situations caused by the lack of planning.

"Encapsulant" means a permanent coating applied to the surface of friable ACM for the purpose of preventing the release of asbestos fibers. The encapsulant creates a membrane over the surface (bridging encapsulant) or penetrates the material and binds its components together (penetrating encapsulant).

"Facility" means any institutional, commercial, public, industrial, or residential structure, installation, or building, including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential co-operative; any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation or building that was previously

subject to the NESHAP is not excluded, regardless of its current use or function. Public building and commercial building have the same meanings as they do in TSCA Title II.

"Friable Asbestos Containing Material (Friable ACM)" means any asbestos-containing material that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure.

"Glovebag" means an impervious plastic bag-like enclosure, not more than a 60 x 60 inches, affixed around an asbestos-containing material, with glove-like appendages through which material and tools may be handled.

"HEPA Filtration" means the high efficiency particulate air filtration found in respirators and vacuum systems capable of filtering particles greater than 0.3 micron in diameter with 99.97% efficiency, designed for use in asbestos-contaminated environments.

"Inaccessible" means in a physically restricted or obstructed area or covered in such a way that detection or removal is prevented or severely hampered.

"Management Plan" means a document that meets the requirements of AHERA for management plans for asbestos in schools.

"Management Planner" means a person who prepares a management plan for a school building subject to AHERA.

"Model Accreditation Plan (MAP)" means 40 CFR Part 763, Subpart E, Appendix C, Asbestos Model Accreditation Plan.

"NESHAP" means the National Emission Standards for Hazardous Air Pollutants, 40 CFR Part 61, Subpart M, the National Emission Standard for Asbestos.

"NESHAP Amount" means combined amounts in a project that total:

- (a) 260 linear feet (80 meters) of pipe covered with RACM;
- (b) 160 square feet (15 square meters) of RACM used to cover or coat any duct, boiler, tank, reactor, turbine, equipment, structure, structural member, or structural component; or
- (c) 35 cubic feet (one cubic meter) of RACM removed from structural members or components where the length and area could not be measured previously.

"NESHAP-Sized Asbestos Project" means any asbestos project that involves at least a NESHAP amount of ACM.

"Regulated Asbestos-Containing Material (RACM)" means friable ACM, Category I nonfriable ACM that has become friable, Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading, or Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations.

"Renovation" means the alteration in any way of one or more structural components, excluding demolition.

"Small-Scale, Short-Duration (SSSD) Asbestos Project" means an asbestos project that removes or disturbs less than 3 square feet or 3 linear feet of RACM in a facility or structure.

"Strip" means to take off ACM from any part of a structure or structural component.

"Structural Component" means any pipe, duct, boiler, tank, reactor, turbine, or furnace at or in a structure, or any structural member of the structure.

"Structural Member" means any load-supporting member of a structure, such as beams and load-supporting walls or any non-load-supporting member, such as ceilings and non-load-supporting walls.

"Structure" means, for the purposes of R307-801, any institutional, commercial, residential, or industrial building, equipment, building component, installation, or other construction.

"TSCA Accreditation" means successful completion of training as an inspector, management planner, project designer, contractor-supervisor, or worker, as specified in the TSCA Title II.

"TSCA Title II" means 15 U.S.C. 2601 et seq., Toxic Substances Control Act, Subchapter II - Asbestos Hazard Emergency Response; and 40 CFR Part 763, Subpart E - Asbestos-Containing Materials in Schools, including appendices, as in effect on July 1, 1999.

"Unrestrained Access" means without fences, closed doors, personnel, or any other method intended to restrict public entry.

"Waste Generator" means any owner or operator of an asbestos project covered by R307-801 whose act or process produces asbestos waste.

"Working Day" means Monday through Friday and includes holidays that fall on any of the days Monday through Friday.

R307-801-4. Adoption and ~~Implementation of TSCA Title II~~ Incorporation of 40 CFR 763 Subpart E.

(1) The provisions of 40 CFR 763 Subpart E, including ~~appendices [TSCA Title II]~~ effective as of the date referenced in R307-101-3 are hereby adopted and incorporated ~~[herein]~~ by reference.

(2) Implementation of the provisions of 40 CFR Part 763, Subpart E, except for the Model Accreditation Plan, shall be limited to those provisions for which the EPA has waived its requirements in accordance with 40 CFR Subpart 763.98, Waiver; delegation to State, as published at 52 FR 41826, (October 30, 1987).

R307-801-7. Denial and Cause for Suspension and Revocation of Company and Individual Certifications.

(1) An application for certification may be denied if the individual, applicant company, or any principle officer of the applicant company has a documented history of noncompliance with the requirements, procedures, or standards established by R307-801, R307-214-1, which incorporates 40 CFR Part 61, Subpart M, the National Emission Standard for Asbestos, AHERA, or with the requirements of any other entity regulating asbestos activities and training programs.

(2) The executive secretary may revoke or suspend any certification based upon documented violations of any requirement of R307-801, AHERA, or 40 CFR Part 61, Subpart M, including but not limited to:

(a) Falsification of or knowing omission in any written submittal required by those regulations;

(b) Permitting the duplication or use of a certificate or TSCA accreditation for the purpose of preparing a falsified written submittal; or

(c) Repeated work practice violations.

KEY: air pollution, asbestos, asbestos hazard emergency response, schools

Date of Enactment or Last Substantive Amendment: ~~June 16, 2006~~ 2008

Notice of Continuation: June 16, 2006

Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(d); 19-2-104(3)(r) through (t); 40 CFR Part 61, Subpart M; 40 CFR Part 763, Subpart E

Environmental Quality, Air Quality R307-840 Lead-Based Paint Accreditation, Certification and Work Practice Standards

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 30708

FILED: 11/08/2007, 15:31

RULE ANALYSIS

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"TSCA Title II" means 15 U.S.C. 2601 et seq., Toxic Substances Control Act, Subchapter II - Asbestos Hazard Emergency Response; and 40 CFR Part 763, Subpart E - Asbestos Containing Materials in Schools, including appendices, as in effect on July 1, 1999.

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(1) The provisions of 40 CFR 763 Subpart E, including appendices ~~[TSCA Title II]~~ effective as of the date referenced in R307-101-3 are hereby adopted and incorporated ~~[herein]~~ by reference.

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(2) The executive secretary may revoke or suspend any certification based upon documented violations of any requirement of R307-801, AHERA, or 40 CFR Part 61, Subpart M, including but not limited to:

- (a) Falsification of or knowing omission in any written submittal required by those regulations;
- (b) Permitting the duplication or use of a certificate or TSCA accreditation for the purpose of preparing a falsified written submittal; or
- (c) Repeated work practice violations.

KEY: air pollution, asbestos, asbestos hazard emergency response, schools

Date of Enactment or Last Substantive Amendment: ~~June 16, 2006~~ 2008

Notice of Continuation: June 16, 2006

Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(d); 19-2-104(3)(r) through (t); 40 CFR Part 61, Subpart M; 40 CFR Part 763, Subpart E

Environmental Quality, Air Quality

R307-840

Lead-Based Paint Accreditation, Certification and Work Practice Standards

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 30708

FILED: 11/08/2007, 15:31

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SUMMARY OF THE RULE OR CHANGE: This amendment removes the specific version date for the CFR in Rule R307-840. The rule will now default to Section R307-101-3 that establishes the version of the CFR that is incorporated throughout Title R307. In a separate rulemaking, the version of the CFR reference in Section R307-101-3 is being updated to the July 1, 2007, version. There have been no changes to the incorporated materials since they were last incorporated by reference into Rule R307-840.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-104

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR 745.63, 40 CFR 745.83, 40 CFR 745.223, 40 CFR 745.61, 40 CFR 745.65, 40 CFR 745.80, 40 CFR 745.81, 40 CFR 745.82, 40 CFR 745.85, 40 CFR 745.86, 40 CFR 745.88, 40 CFR 745.225(a) through (g) and (i), 40 CFR 745.226 (a) through (h), 40 CFR 745.227, and 40 CFR 745.233, July 1, 2007

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** Because these revisions do not create new requirements, no change in costs is expected for the state budget.
- ❖ **LOCAL GOVERNMENTS:** Because this revision does not create new requirements, no change in costs is expected for local governments.
- ❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** **SMALL BUSINESSES:** Because this revision does not create new requirements, no change in costs is expected for small businesses. **OTHER PERSONS:** Because this revision does not create new requirements, no change in costs is expected for other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because this revision does not create new requirements, no change in costs is expected for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This amendment does not create new requirements. Therefore, no additional costs are expected. Richard W. Sprott, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

**ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.**

DIRECT QUESTIONS REGARDING THIS RULE TO:

Mat E. Carlile at the above address, by phone at 801-536-4136, by FAX at 801-536-0085, or by Internet E-mail at MCARLILE@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/31/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2008

AUTHORIZED BY: Bryce Bird, Planning Branch Manager

R307. Environmental Quality, Air Quality.

R307-840. Lead-Based Paint Accreditation, Certification and Work Practice Standards.

R307-840-2. Definitions.

(1) Definitions found in 40 CFR 745.63, 40 CFR 745.83, and 40 CFR 745.223, ~~[in effect as of July 1, 2005]~~ effective as of the date referenced in R307-101-3, are hereby adopted and incorporated by reference, with the substitutions found in (2) below and the modifications found in (3) below.

(2) Substitutions.

(a) Substitute "the Executive Secretary" for all references to "EPA" except in the definition of "Pamphlet" found in 40 CFR 745.83 and in the definition of "Recognized laboratory" found in 40 CFR 745.223.

(b) Substitute "the Executive Secretary" for all references to "Administrator".

(3) Modifications.

(a) Delete the definition of "Administrator" found in 40 CFR 745.83.

(b) Modify the definition of "Pamphlet" found in Sec. 745.83 by deleting ", or any State or Tribal pamphlet approved by EPA pursuant to 40 CFR 745.326 that is developed for the same purpose".

(c) Delete the definition of "Lead-based paint hazard" found in 40 CFR 745.223.

(d) Modify the definition of "Business day" found in Sec. 745.223 by including "and State of Utah" before "holidays".

R307-840-3. Accreditation, Certification and Work Standards: Target Housing and Child-Occupied Facilities.

(1) The following requirements, ~~[in effect as of July 1, 2005]~~ effective as of date referenced in R307-101-3, are hereby adopted and incorporated by reference, with the substitutions found in (2) below and the modifications found in (3) below:

(a) 40 CFR 745.61, 745.65, 745.80, 745.81, 745.82, 745.85, 745.86, 745.88, 745.225(a) through (g) and (i), 745.226 (a) through (h), 745.227, and 745.233.

(2) Substitutions.

(a) Substitute "the Executive Secretary" for all references to "EPA" with the following exceptions:

(i) Sec. 745.65(d).

(ii) Sec. 745.86(b)(1).

(iii) Sec. 745.225(b)(1)(iii), Sec. 745.225(b)(1)(iv), Sec. 745.225(c)(2)(ii), Sec. 745.225(c)(10), Sec. 745.225(e)(5)(iii), and Sec. 745.225(e)(5)(iv).

(iv) The last reference to EPA in Sec. 745.226(a)(1)(ii) and the second reference to EPA in Sec. 745.226(d)(1).

(v) The first three references to EPA in Sec. 745.227(a)(3), and the reference to EPA in Sec. 745.227(a)(4), Sec. 745.227(e)(4)(vi)(D), Sec. 745.227(e)(4)(vi)(I), and Sec. 745.227(f)(2).

(b) Substitute "the Executive Secretary or the Executive Secretary's authorized representative" for references to "EPA" in Sec. 745.225(c)(12), Sec. 745.225(f)(4), and Sec. 745.225(i)(1).

(c) Substitute "the Executive Secretary" for all references to "Administrator".

(d) Substitute "R307-840" for "either Federal regulations at Sec. 745.226 or a State or Tribal certification program authorized pursuant to Sec. 745.324" in Sec. 745.82(b)(3).

(e) Substitute "R307-840" for "either Federal regulations at Sec. 745.226 or an EPA-authorized State or Tribal certification program" in Sec. 745.86(b)(1).

(f) Substitute "Sec. 745.82(b)(3)" for "Sec. 745.82(b)(iv)" in 40 CFR 745.86(b)(1).

(g) Substitute sample certification language found in Sec. 745.88(b)(2)(ii) with that found in Sec. 745.88(b)(2)(i).

(h) Substitute sample certification language found in Sec. 745.88(b)(2)(i) with that found in Sec. 745.88(b)(2)(ii).

(i) Substitute "the current Department of Environmental Quality Fee Schedule" for references to "Sec. 745.238" in Sec. 745.225(b)(4), Sec. 745.225(f)(3)(v), Sec. 745.226(a)(6), Sec. 745.226(e)(3), Sec. 745.226(f)(6), and Sec. 745.226(f)(7).

(j) Substitute "Utah Division of Air Quality electronic notification system" for "Agency's central data exchange (CDX)" in Sec. 745.225(c)(13)(vi), Sec. 745.225(c)(14)(iii), and Sec. 745.227(e)(4)(vii).

(k) Substitute "Notification Form" for "Schedule" in Sec. 745.225(c)(13)(vi).

(l) Substitute "Utah Division of Air Quality Lead-Based Paint Program web site" for "NLIC at 1-800-424-LEAD(5323), or on the Internet at <http://www.epa.gov/lead>" in Sec. 745.225(c)(13)(vi), Sec. 745.225(c)(14)(iii), and Sec. 745.227(e)(4)(vii).

(m) Substitute "Verification Form" for "Course Follow-up" in Sec. 745.225(c)(14)(iii).

(n) Substitute "Utah lead-based paint firm" for "EPA" in Sec. 745.227(e)(4)(vi)(D).

(o) Substitute "Utah lead-based paint individual" for "EPA" in Sec. 745.227(e)(4)(vi)(I).

(p) Substitute "Lead-Based Paint Abatement Project Notification" for "Notification of Lead-Based Paint Abatement Activities" in Sec. 745.227(e)(4)(vii).

(q) Substitute "Sec 745.65(b)" for "Sec 745.227(b)" in 40 CFR 745.227(h)(2)(i).

(3) Modifications.

(a) Change the date in Sec. 745.81 to October 1, 2005.

(b) Change the date in Sec. 745.226(a)(5), Sec. 745.226(d)(2), Sec. 745.226(f)(1), and Sec. 745.227(a)(1) to August 30, 1999.

(c) Modify Sec. 745.225(b)(1)(iii) by deleting "or training materials approved by a State or Indian Tribe that has been authorized by EPA under subpart Q of this part."

(d) Modify Sec. 745.225(b)(1)(iv) by deleting "or training materials approved by an authorized State or Indian Tribe".

(e) Modify Sec. 745.225(c)(2)(ii) by including "Executive Secretary-accredited," before "EPA-accredited".

(f) Modify Sec. 745.225(c)(13)(v)(B) and Sec. 745.225(c)(14)(ii)(A) by deleting "EPA accreditation number,".

(g) Modify Sec. 745.225(c)(14)(ii)(F) to include "Utah Division of Air Quality Lead-Based Paint Program training verification statement".

(h) Modify Sec. 745.225(e)(5)(iii) by deleting "or training materials approved by a State or Indian Tribe that has been authorized by EPA under Sec. 745.324 to develop its refresher training course materials,".

(i) Modify Sec. 745.225 (e)(5)(iv) by deleting "or training materials approved by an authorized State or Indian Tribe".

(j) Modify Sec. 745.226 (a)(1)(ii) by including "EPA or" after the word "from".

(k) Modify Sec. 745.226(f)(7) by deleting "every 3 years".

(l) Modify Sec. 745.227 (a)(3) by deleting "Regulations, guidance, methods, or protocols issued by States and Indian Tribes that have been authorized by EPA;".

KEY: air pollution, paint, lead-based paint

Date of Enactment or Last Substantive Amendment: ~~November 3, 2005~~ **2008**

Notice of Continuation: May 5, 2003

Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(i)

Health, Health Care Financing, Coverage and Reimbursement Policy **R414-21** Physical and Occupational Therapy

NOTICE OF PROPOSED RULE

(Repeal and Reenact)

DAR FILE No.: 30653

FILED: 11/05/2007, 08:49

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Based on internal agency review, this change is to update and clarify the provision of physical and occupational therapy services. It also clarifies definitions, program access requirements, coverage, limitations, and reimbursement for physical and occupational therapy.

SUMMARY OF THE RULE OR CHANGE: The new rule clarifies and specifies program access requirements for physical and occupational therapy. It removes from the old rule prior authorization and reauthorization procedures as these are contained in the provider manuals. The new rule increases the number of physical or occupational therapy visits allowed without prior authorization from 10 to 20 and amends the limitations for treatment. It expands the deadline for recipients to seek treatment to 90 days following a cerebral vascular accident (CVA). The new rule clarifies reimbursement for physical and occupational therapy, and clarifies criteria for services provided through home health agencies.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 26-18-3 and 26-1-5; and 42 CFR 440.110(a)(1)(2) and 42 CFR 440.110(b)(1)(2)

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** There is no budget impact expected because the majority of physical and occupational therapy recipients currently complete 20 visits per calendar year, when authorization is requested after the first ten. The administrative efficiencies achieved because of this rulemaking will allow the department to use staff to review other services provided to Medicaid recipients.

❖ **LOCAL GOVERNMENTS:** There is no budget impact because local governments do not fund physical therapy or occupational therapy services and there is no expected

State of Utah

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR file no: Utah Admin. Code ref. (R no.):	Date filed: Time filed:										
R307-101											
1. Agency: Environmental Quality/Air Quality Room no.: Building: Street address 1: 150 N 1950 W Street address 2: City,state,zip: SALT LAKE CITY, UT 84116-3085 Mailing address 1: PO BOX 144820 Mailing address 2: City,state,zip: SALT LAKE CITY, UT 84114-4820 Contact person(s): <table style="width: 100%; border: none;"> <tr> <td style="width: 25%;">Name:</td> <td style="width: 25%;">Phone:</td> <td style="width: 25%;">Fax:</td> <td style="width: 25%;">E-mail:</td> <td style="width: 20%;">Remove:</td> </tr> <tr> <td>Mat E. Carlile</td> <td>801-536-4136</td> <td>801-536-0085</td> <td>MCARLILE@utah.gov</td> <td></td> </tr> </table>		Name:	Phone:	Fax:	E-mail:	Remove:	Mat E. Carlile	801-536-4136	801-536-0085	MCARLILE@utah.gov	
Name:	Phone:	Fax:	E-mail:	Remove:							
Mat E. Carlile	801-536-4136	801-536-0085	MCARLILE@utah.gov								
(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)											
2. Title of rule or section (catchline): General Requirements											
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule: Subsection 19-2-104(1)(a) authorizes the Air Quality Board to make rules "...regarding the control, abatement, and prevention of air pollution from all sources..." Rule R307-101 includes definitions used throughout all the rules contained in R307 that are written under Section 19-2-104. Without these definitions, the remaining rules would be unenforceable.											
4. A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule: R307-101 was amended once since the last five year review, DAR No. 30697; no comments were received on this amendment. No other comments were received since the last five-year review.											
5. A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any: Section R307-101-2 includes all the definitions that apply throughout all the rules contained in R307. Without them, the remaining rules would be unenforceable, so this rule should be continued. In addition, R307-101 is a component of Utah's State Implementation Plan, and cannot be deleted without EPA approval.											
6. Indexing information - keywords (maximum of four, in lower case): air pollution, definitions											
7. Attach an RTF document containing the text of this rule change (filename): There is currently a document associated with this filing. Rule Text											
To the agency: Information requested on this form is required by Section 63-46a-9. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date.											

AGENCY AUTHORIZATION

Agency head or designee, and title:	<div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 2px;">4/10/2008</div> <div style="margin-left: 10px;">Date (mm/dd/yyyy):</div> </div>
Non Printable	

State of Utah

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR file no:		Date filed:	
Utah Admin. Code ref. (R no.):	R307-115	Time filed:	

1. Agency: Environmental Quality/Air Quality

Room no.:

Building:

Street address 1: 150 N 1950 W

Street address 2:

City,state,zip: SALT LAKE CITY, UT 84116-3085

Mailing address 1: PO BOX 144820

Mailing address 2:

City,state,zip: SALT LAKE CITY, UT 84114-4820

Contact person(s):

Name:	Phone:	Fax:	E-mail:	Remove:
Mat E. Carlile	801-536-4136	801-536-0085	MCARLILE@utah.gov	

(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)

2.	Title of rule or section (catchline): General Conformity
3.	A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule: As specified in Subsection 19-2-104(3)(q), the Air Quality Board may "meet the requirements of federal air pollution laws." One of those laws is 40 CFR Part 93, Subpart B, which is incorporated by reference by Rule R307-115. 40 CFR Part 93 Subpart B requires that no agency of the federal government support in any way any activity, with some exceptions, that does not conform to any state's implementation plan to protect air quality. 40 CFR 93.150 states that the provisions of 40 CFR Part 93 Subpart B "...establish the conformity criteria and procedures necessary to meet the (Clean Air) Act requirements until such time as the required conformity revision (by the State) is approved by the Environmental Protection Agency (EPA). A state's conformity provisions must contain criteria and procedures that are no less stringent than the requirements established in this subpart." Utah chose to meet this requirement by incorporating by reference the federal provisions.
4.	A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule: R307-115 was amended once since the last five year review, DAR No. 30698. No comments were received on this amendment. No other comments were received since the last five-year review.
5.	A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any: Rule R307-115 is required by 40 CFR Part 93, Subpart B. In addition, R307-115 is a component of Utah's State Implementation Plan, and cannot be deleted without EPA approval.
6.	Indexing information - keywords (maximum of four, in lower case): environmental protection, air pollution, general conformity
7.	Attach an RTF document containing the text of this rule change (filename): There is currently a document associated with this filing. <input type="button" value="Rule Text"/>

To the agency: Information requested on this form is required by Section 63-46a-9. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date.

AGENCY AUTHORIZATION

Agency head or designee, and title:		01/10/2008 Date (mm/dd/yyyy):
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State of Utah

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR file no:		Date filed:	
Utah Admin. Code	R307-170	Time filed:	
ref. (R no.):			
1. Agency: Environmental Quality/Air Quality			
Room no.:			
Building:			
Street address 1:		150 N 1950 W	
Street address 2:			
City,state,zip:		SALT LAKE CITY, UT 84116-3085	
Mailing address 1:		PO BOX 144820	
Mailing address 2:			
City,state,zip:		SALT LAKE CITY, UT 84114-4820	
Contact person(s):			
Name:	Phone:	Fax:	E-mail: Remove:
Mat E. Carlile	801-536-4136	801-536-0085	MCARLILE@utah.gov

(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)

2.	Title of rule or section (catchline): Continuous Emission Monitoring Program
3.	A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule: The Air Quality Board is allowed by 19-2-104(1)(c) to make rules "...requiring persons engaged in operations which result in air pollution to: (i) install, maintain, and use emission monitoring devices, as the board finds necessary; (ii) file periodic reports containing information relating to the rate, period of emission, and composition of the air contaminant; and (iii) provide access to records relating to emissions which cause or contribute to air pollution." Also, 19-2-104(3)(q) allows the Board to "...meet the requirements of federal air pollution laws." Federal provisions that require certain sources to conduct continuous monitoring include federal Clean Air Act Title IV, the Acid Rain program. In addition, 40 CFR Part 51, Appendix P, states that "This appendix P sets forth the minimum requirements for continuous emission monitoring and recording that each State Implementation Plan must include in order to be approved under the provisions of 40 CFR 51.165(b)." R307-170 meets these provisions by specifying how certain sources of air pollution must comply with federal and state requirements to install and operate equipment that continuously monitors certain pollutants; it is approved by EPA as a part of Utah's state implementation plan.
4.	A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule: R307-170 was amended once since the last five year review, DAR No. 30699. No comments were received on this amendment. No other comments were received since the last five-year review.
5.	A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any: R307-170 ensures that large sources of air pollution do not exceed emission limits for air pollutants that are harmful to human health. In addition, R307-170 is a component of Utah's State Implementation Plan, and cannot be deleted without EPA approval.
6.	Indexing information - keywords (maximum of four, in lower case): air pollution, monitoring, continuous monitoring
7.	Attach an RTF document containing the text of this rule change (filename): There is currently a document associated with this filing. <input type="button" value="Rule Text"/>

To the agency: Information requested on this form is required by Section 63-46a-9. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date.

AGENCY AUTHORIZATION

Agency head or designee, and title: <i>Ima Chid</i>	Date (mm/dd/yyyy): <i>01/10/2008</i>
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Non Printable

State of Utah

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR file no:	Date filed:
Utah Admin. Code ref. (R no.): R307-221	Time filed:

1. Agency: Environmental Quality/Air Quality
 Room no.:
 Building:
 Street address 1: 150 N 1950 W
 Street address 2:
 City,state,zip: SALT LAKE CITY, UT 84116-3085
 Mailing address 1: PO BOX 144820
 Mailing address 2:
 City,state,zip: SALT LAKE CITY, UT 84114-4820
Contact person(s):
Name: **Phone:** **Fax:** **E-mail:** **Remove:**
 Mat E. Carlile 801-536-4136 801-536-0085 MCARLILE@utah.gov

(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)

2. **Title of rule or section (catchline):**
 Emission Standards: Emission Controls for Existing Municipal Solid Waste Landfills
3. **A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule:**
 Subsection 19-2-104(3)(q) allows the Air Quality Board to implement the requirements of federal air pollution laws. Under Section 111(d) of the Clean Air Act (42 U.S.C. 7411(d)), EPA issues standards of performance for existing sources at the time standards are issued for new sources, and states are required to prepare plans and rules to implement the standards for existing sources. R307-221 implements the standards for existing Municipal Solid Waste Landfills, as required by 40 CFR 60.30c through 60.36c. The corresponding plan is incorporated by reference in R307-220-2. R307-221 also includes necessary definitions, emission restrictions, control device specifications, and a compliance schedule, as required by 40 CFR 60.30c through 60.36c.
4. **A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule:** R307-221 was amended once since the last five year review, DAR No. 30701. No comments were received on this amendment. No other comments have been received since the last five year review.
5. **A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any:**
 R307-221 is required by 40 CFR 60.30c through 60.36c.
6. **Indexing information - keywords (maximum of four, in lower case):**
 air pollution, municipal landfills*
7. **Attach an RTF document containing the text of this rule change (filename):**
 There is currently a document associated with this filing.

To the agency: Information requested on this form is required by Section 63-46a-9. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date.

AGENCY AUTHORIZATION

Agency head or designee, and title: <i>Donna Child</i>	Date (mm/dd/yyyy): <i>01/14/2008</i>
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State of Utah

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR file no:

Date filed:

Utah Admin. Code ref. (R R 307 - 222
no.):

Time filed:

1. Agency: Environmental Quality/Air Quality

Room no.:

Building:

Street address
1: 150 N 1950 WStreet address
2:

City,state,zip: SALT LAKE CITY, UT 84116-3085

Mailing
address 1: PO BOX 144820Mailing
address 2:

City,state,zip: SALT LAKE CITY, UT 84114-4820

Contact person(s):

Name: Phone:

Fax:

E-mail:

Remove:

Mat E. Carlile 801-536-4136

801-536-0085

MCARLILE@utah.gov

Remove

Add Contact

(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)

2. Title of rule or section (catchline):

Emission Standards: Existing Incinerators for Hospital, Medical, Infectious
Waste

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule:

Subsection 19-2-104(3)(q) allows the Air Quality Board to implement the requirements of federal air pollution laws. Under Section 111(d) of the Clean Air Act (42 U.S.C. 7411(d)), EPA issues standards of performance for existing

4. A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule:

R307-222 was amended once since the last five year review, DAR No. 30702. No comments were received on this amendment. No other comments have been received since the last five year review.

5. A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any:

R307-222 is required by 40 CFR Part 60, Subpart Ce and the Clean Air Act, 42 U.S.C. 7411(d).

6. Indexing information - keywords (maximum of four, in lower case):

air pollution, hospitals, medical incinerator,

7. Attach an RTF document containing the text of this rule change (filename):

There is currently a document associated with this filing. Add/Edit...

To the agency: Information requested on this form is required by Section 63-46a-9. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date.*Byu chel 01/10/2008*

State of Utah

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR file no:

Date filed:

Utah Admin. Code ref. (R no.): R 307 - 223

Time filed:

1. Agency: Environmental Quality/Air Quality

Room no.:

Building:

Street address 1: 150 N 1950 W

Street address 2:

City,state,zip: SALT LAKE CITY, UT 84116-3085

Mailing address 1: PO BOX 144820

Mailing address 2:

City,state,zip: SALT LAKE CITY, UT 84114-4820

Contact person(s):

Name: Phone:

Fax:

E-mail:

Remove:

Mat E. Carlile 801-536-4136

801-536-0085

MCARLILE@utah.gov

Remove

Add Contact

(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)

2. Title of rule or section (catchline):

Emission Standards: Existing Small Municipal Waste Combustion Units.

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule:

Subsection 19-2-104(3)(q) allows the Air Quality Board to implement the requirements of federal air pollution laws. Under Section 111(d) of the Clean Air Act (42 U.S.C. 7411(d)), EPA issues standards of performance for existing

4. A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule:

R307-223 was amended once since the last five year review, DAR No. 30703. No comments were received on this amendment. No other comments have been received since the last five year review.

5. A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any:

R307-223 is required by 40 CFR Part 60, Subpart BBBB.

6. Indexing information - keywords (maximum of four, in lower case):

air pollution, municipal waste incinerator, wa

7. Attach an RTF document containing the text of this rule change (filename):

There is currently a document associated with this filing. Add/Edit...

To the agency: Information requested on this form is required by Section 63-46a-9. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date.

By: Carlile 01/10/2008

State of Utah

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR file no:

Date filed:

Utah Admin. Code
ref. (R no.):

R307-224

Time filed:

1. Agency: Environmental Quality/Air Quality

Room no.:

Building:

Street address 1: 150 N 1950 W

Street address 2:

City,state,zip: SALT LAKE CITY, UT 84116-3085

Mailing address 1: PO BOX 144820

Mailing address 2:

City,state,zip: SALT LAKE CITY, UT 84114-4820

Contact person(s):

Name:

Phone:

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E-mail:

Remove:

Mat E. Carlile

801-536-4136

801-536-0085

MCARLILE@utah.gov

(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)

2. Title of rule or section (catchline):

Mercury Emission Standards: Coal-Fired Electric Generating Units

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule:

As specified in Subsection 19-2-104(3)(q), the Air Quality Board may "meet the requirements of federal air pollution laws." Nationwide reductions of mercury (Hg) emissions from certain coal-fired electric generating units are required by 40 CFR Part 60, subparts B and HHHH, and by the Designated Facilities Plan for coal-fired electric generating units, incorporated by reference at R307-220-5. R307-224 regulates mercury emissions from any coal-fired electric generating unit as defined in 40 CFR 60.24.

4. A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule: R307-224 was amended once since its creation, DAR No. 30704. No comments were received on this amendment. No other comments have been received since the creation of R307-224.

5. A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any:

R307-224 is required by 40 CFR Part 60, subparts B and HHHH.

6. Indexing information - keywords (maximum of four, in lower case):

air pollution, electric generating unit, mercury

7. Attach an RTF document containing the text of this rule change (filename):

There is currently a document associated with this filing.

Rule Text

To the agency: Information requested on this form is required by Section 63-46a-9. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date.

AGENCY AUTHORIZATIONAgency head or designee,
and title:*Signatures*01/10/2008 Date
(mm/dd/yyyy):

Non Printable

State of Utah

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION													
DAR file no:		Date filed:											
Utah Admin. Code ref. (R no.):		Time filed:											
R307-310													
1. Agency: Environmental Quality/Air Quality Room no.: Building: Street address 1: 150 N 1950 W Street address 2: City, state, zip: SALT LAKE CITY, UT 84116-3085 Mailing address 1: PO BOX 144820 Mailing address 2: City, state, zip: SALT LAKE CITY, UT 84114-4820 Contact person(s): <table style="width: 100%; border: none;"> <tr> <td style="width: 25%;">Name:</td> <td style="width: 25%;">Phone:</td> <td style="width: 25%;">Fax:</td> <td style="width: 25%;">E-mail:</td> <td style="width: 20%;">Remove:</td> </tr> <tr> <td>Mat E. Carlile</td> <td>801-536-4136</td> <td>801-536-0085</td> <td>MCARLILE@utah.gov</td> <td></td> </tr> </table>				Name:	Phone:	Fax:	E-mail:	Remove:	Mat E. Carlile	801-536-4136	801-536-0085	MCARLILE@utah.gov	
Name:	Phone:	Fax:	E-mail:	Remove:									
Mat E. Carlile	801-536-4136	801-536-0085	MCARLILE@utah.gov										
(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)													
2.	Title of rule or section (catchline): Salt Lake County: Trading of Emission Budgets for Transportation Conformity												
3.	A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule: Subsection 19-2-104(1)(a) allows the Air Quality Board to make rules "...regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air contaminants that may be emitted by any air contaminant source." In addition, Subsection 19-2-104(3)(e) allows the Board to "...prepare and develop a comprehensive plan or plans for the prevention, abatement, and control of air pollution in this state." Rule R307-310 protects the public health by setting forth a mechanism to trade PM10 for NOx to demonstrate conformity with Salt Lake County PM10 SIP.												
4.	A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule: R307-310 was amended once since the last five year review, DAR No. 30705. No comments were received on this amendment. No other comments have been received since the last five year review.												
5.	A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any: Rule R307-310 establishes a conformity budget for Salt Lake County because the PM10 SIP did not. This budget allows continued funding of transportation projects in Salt Lake County. Rule R307-310 will no longer be needed after the EPA approves the new conformity budget, which is established in the PM10 maintenance plan adopted by the Air Quality Board on July 6, 2005. In addition, R307-310 is a component of Utah's State Implementation Plan, and cannot be deleted without EPA approval.												
6.	Indexing information - keywords (maximum of four, in lower case): air pollution, transportation conformity, PM10												
7.	Attach an RTF document containing the text of this rule change (filename): There is currently a document associated with this filing. Rule Text												
To the agency: Information requested on this form is required by Section 63-46a-9. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date.													

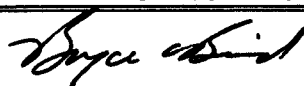
AGENCY AUTHORIZATION

Agency head or designee, and title:	01/10/2009 Date (mm/dd/yyyy):
<div style="border: 1px solid black; display: inline-block; padding: 2px 10px;">Non Printable</div>	

State of Utah

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION														
DAR file no:		Date filed:												
Utah Admin. Code ref. (R no.):		Time filed:												
R307-801														
1. Agency: Environmental Quality/Air Quality Room no.: Building: Street address 1: 150 N 1950 W Street address 2: City, state, zip: SALT LAKE CITY, UT 84116-3085 Mailing address 1: PO BOX 144820 Mailing address 2: City, state, zip: SALT LAKE CITY, UT 84114-4820 Contact person(s): <table style="width: 100%; border: none;"> <tr> <td style="width: 25%;">Name:</td> <td style="width: 25%;">Phone:</td> <td style="width: 25%;">Fax:</td> <td style="width: 25%;">E-mail:</td> <td style="width: 20%;">Remove:</td> </tr> <tr> <td>Mat E. Carlile</td> <td>801-536-4136</td> <td>801-536-0085</td> <td>MCARLILE@utah.gov</td> <td></td> </tr> </table>					Name:	Phone:	Fax:	E-mail:	Remove:	Mat E. Carlile	801-536-4136	801-536-0085	MCARLILE@utah.gov	
Name:	Phone:	Fax:	E-mail:	Remove:										
Mat E. Carlile	801-536-4136	801-536-0085	MCARLILE@utah.gov											
(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)														
2.	Title of rule or section (catchline): Asbestos													
3.	A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule: Subsection 19-2-104(1)(d) states that the Air Quality Board may make rules to implement Subchapter II, Asbestos Hazard Emergency Response (AHERA), of the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), and to review and approve asbestos management plans submitted by local education agencies. Subsections 19-2-104(3)(r) and (s) allow the Board to establish work practice, certification, and clearance air sampling requirements for persons who: (i) contract to conduct demolition, renovation, salvage, encapsulation work involving friable asbestos-containing materials, or asbestos inspections; or (ii) conduct such work in areas to which the public has access or in school buildings subject to AHERA; and to establish certification requirements for inspectors, management planners, abatement project designers, contractors, or workers under AHERA. Rule R307-801 establishes procedures and requirements for asbestos projects and training programs, for certification of persons engaged in asbestos activities, and work practice standards for such work.													
4.	A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule: R307-801 was amended once since the last five year review, DAR No. 30707. No comments were received on this amendment. No other comments have been received since the last five year review.													
5.	A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any: Without Rule R307-801, Utah would not have authority to implement the federal requirements; implementation would be carried out by the Environmental Protection Agency. The specific authorizations in Subsections 19-2-104(1)(d) and 19-2-104(3)(r) and (s) clearly indicate that the Legislature prefers that the Division of Air Quality implement the program. Therefore, this rule should be continued.													
6.	Indexing information - keywords (maximum of four, in lower case): air pollution, asbestos, asbestos hazard emergency response, schools													
7.	Attach an RTF document containing the text of this rule change (filename): <div style="border: 1px solid black; padding: 2px; display: inline-block;">Rule Text</div>													
To the agency: Information requested on this form is required by Section 63-46a-9. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date.														

AGENCY AUTHORIZATION



2/10/2008

State of Utah

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR file no:

Date filed:

Utah Admin. Code
ref. (R no.):

R307-840

Time filed:

1. Agency: Environmental Quality/Air Quality

Room no.:

Building:

Street address 1: 150 N 1950 W

Street address 2:

City,state,zip: SALT LAKE CITY, UT 84116-3085

Mailing address 1: PO BOX 144820

Mailing address 2:

City,state,zip: SALT LAKE CITY, UT 84114-4820

Contact person(s):**Name:****Phone:****Fax:****E-mail:****Remove:**

Mat E. Carlile

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2. **Title of rule or section (catchline):**

Lead-Based Paint Accreditation, Certification and Work Practice Standards

3. **A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule:**

Rule R307-840 implements Subsection 19-2-104(1)(i) which authorizes the Air Quality Board to make rules to "implement the lead-based paint requirements for training, certification, and performance of 15 U.S.C. 2601 et seq., Toxic Substances Control Act, Subchapter IV—Lead Exposure Reduction, Sections 402 and 404."

4. **A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule:** R307-840 was amended three times since the last five year review. DAR No 26282, effective 08/06/2003, no comments were received on this amendment. DAR No 28131, effective 11/03/2005, no comments were received on this amendment. DAR No. 30708, no comments were received on this amendment. No other comments have been received since the last five year review.5. **A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any:**
With out R307-840, Utah would not have authority to implement the federal requirements; implementation would be carried out by the Environmental Protection Agency. Therefore, this rule should be continued.6. **Indexing information - keywords (maximum of four, in lower case):**
air pollution, paint, lead-based paint7. **Attach an RTF document containing the text of this rule change (filename):**There is currently a document associated with this filing. **To the agency:** Information requested on this form is required by Section 63-46a-9. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date.**AGENCY AUTHORIZATION**Agency head or designee,
and title:

01/10/2008 Date

(mm/dd/yyyy):